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PROCEEDINGS

MISSISSIPPI STATE BAR

FIFTIETH ANNUAL MEETING

October, 1955

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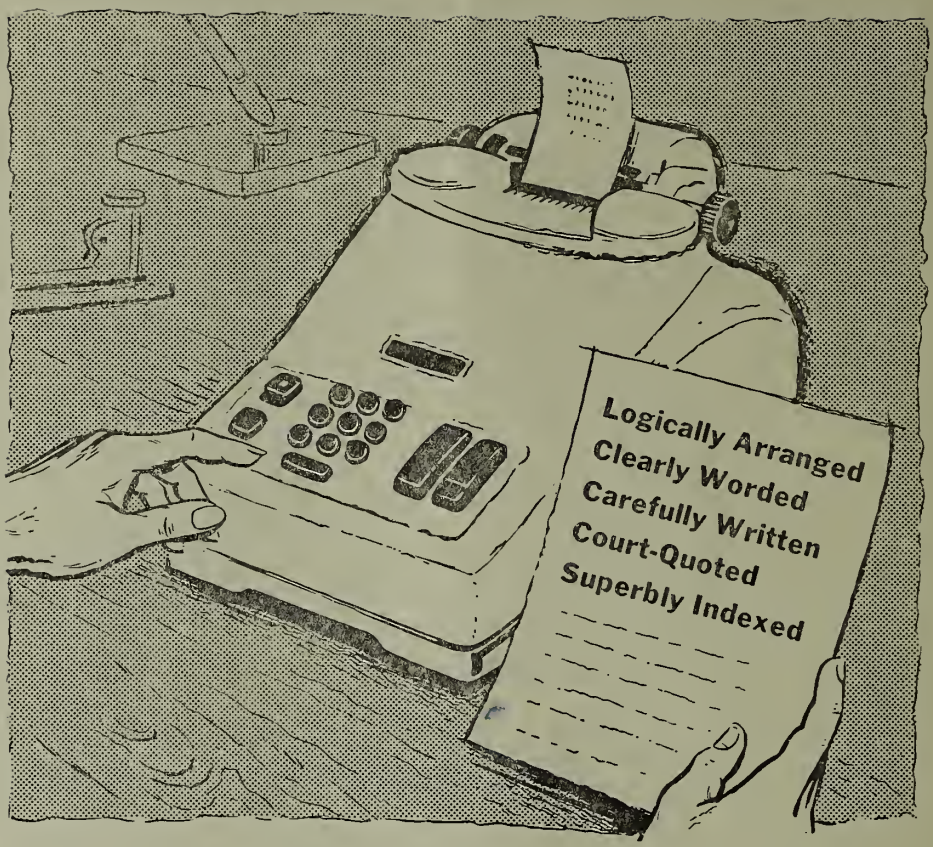

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1955-1956

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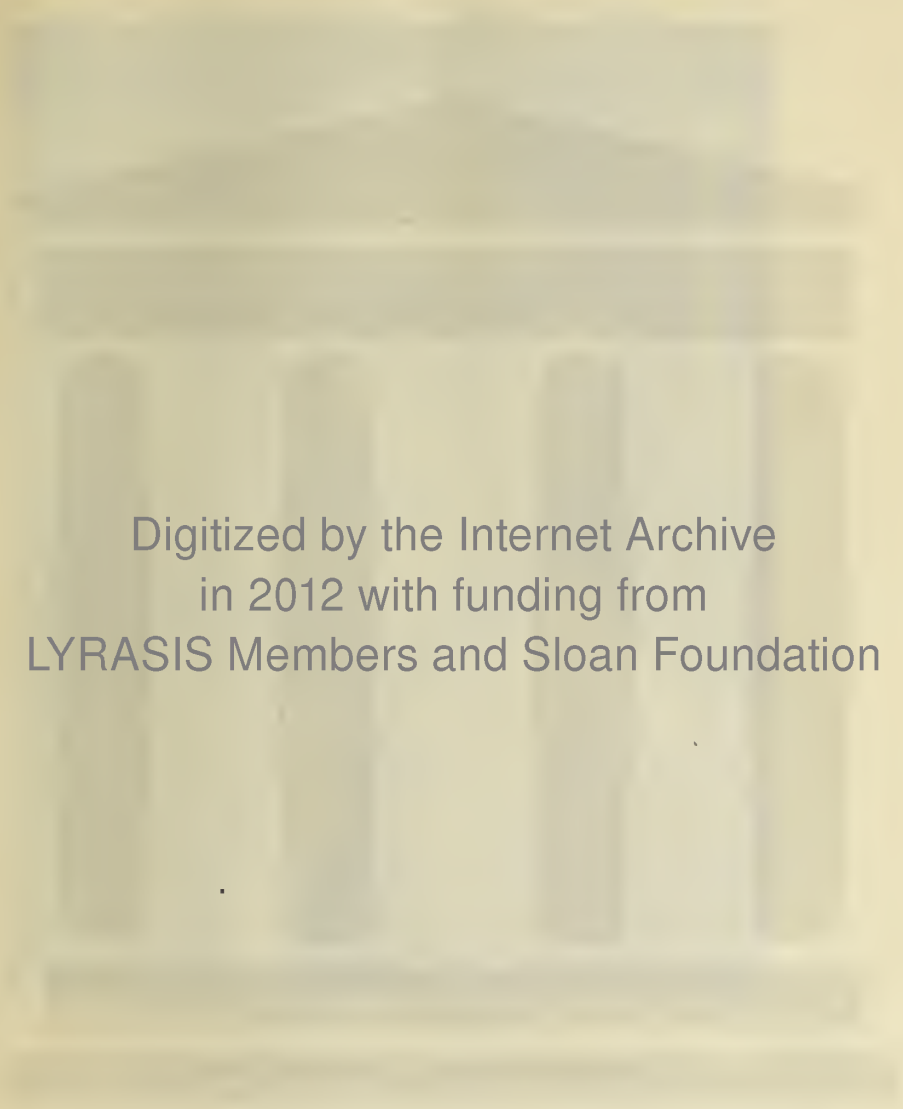

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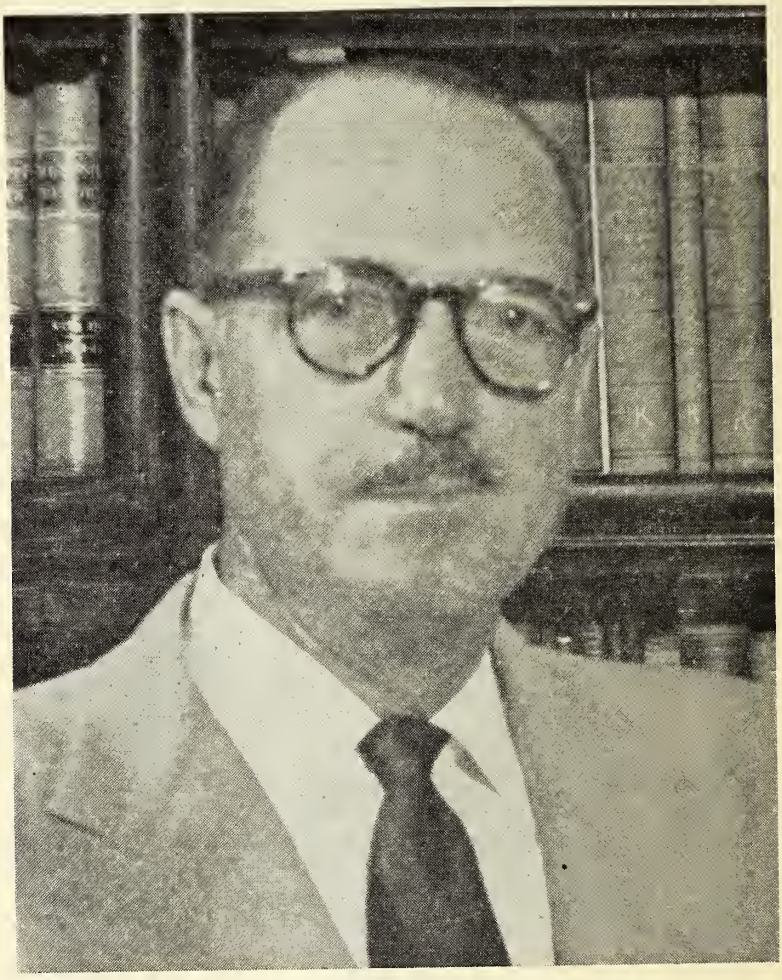

ROBERT J. FARLEY

Retiring President of Mississippi State Bar

PROCEEDINGS OF THE FIFTIETH ANNUAL MEETING OF THE

Mississippi State Bar

Held at Biloxi, Mississippi, on the 24th and 25th of June, 1955

The Convention was called to order in the Edgewater Gulf Hotel in Edgewater Park, Mississippi, at 9:30 A.M., June 24, 1955, by Dean Robert J. Farley, President of the Mississippi State Bar.

The invocation was delivered by Dr. Clyde H. Gunn of Gulfport.

An address of welcome was delivered by Mr. Webb M. Mize of Gulfport, and was responded to by Judge Tom P. Brady of Brookhaven.

President Farley then delivered the following address:

PRESIDENT'S ANNUAL ADDRESS

Robert J. Farley

When I first began attending the convention of the Mississippi Bar Association there was an iron-clad rule that the President's Address should consist of a review of the development of law during the previous year. Open hearings in Chancery had been provided around 1912 and the "so-called" simplified Chancery Practice Act had been passed in 1924, so, by my time, it didn't seem that there were many more interesting developments to be had. As a consequence, most of the addresses were boresome both to the speaker and his audience. In later years this rule was abrogated, and for a long time now my predecessors have reported on the accomplishments of their administrations; and, after reviewing local, national and, sometimes, world affairs, they have made interesting recommendations for the future. They have captivated both the attention and the imagination of their listeners, for they have dealt primarily with the relationship of the lawyer to the public.

You will hear the reports of the regular committees and will learn, generally, that the foundations heretofore laid have been strengthened. If there is any deficiency, it is due either to my lack of leadership or to a lack of funds, because no one could have received more splendid cooperation than you have given to me; and to you all I now acknowledge my warm gratitude.

Perhaps a few matters, out of the ordinary, which I regard as directly or indirectly bearing upon popular approval of the profession, should be emphasized.

Shortly before my election, the Legislature had established the Legal Educational Advisory Committee to advise the Legislature on the best way to maintain segregation in the public schools. The Governor was named as chairman, the Speaker of the House as vice-chairman, and the President of the Bar as an ex-officio member. Also appointed were certain Senate and House members and citizens. President Jerome Hafter had already served most capably for a few weeks before I replaced him. It was only after an interpretation by the Chief Justice that I agreed to do so. Nevertheless, I found it a most heartening experience to work with men who were all patriotically bent on doing what each regarded as best for our state. As would be expected, there have been conflicting ideas and heated debates; but eventually there has resulted, without hatred or rancour by the participants, an accord befitting men of sincerity. The results are a matter of public knowledge, and I shall not burden you with them. I relinquish, with reluctance, my ex-officio seat, with the highest regard for the integrity of my erstwhile colleagues, and with the humble hope that no word or action of mine has been discreditable to you as your representative.

Governor White very agreeably submitted to the September Special Session of the Legislature our endorsed bill for the raising of the salaries of circuit and chancery judges. It passed both houses with little opposition. It is quite doubtful if the amount was sufficient. Our next attention in this area should be directed toward improving the salaries of the Supreme Court Judges, and the Attorney General and his assistants. Should not the position of a state Supreme Court Justice be superior to that of a Federal District Judge? Further comment on this is unnecessary.

The increased Bar admission standards, with twice the number of examiners, became effective in October. We may congratulate ourselves that Mississippi is no longer in the unenviable position of being the state with the lowest training requirements in the country. Our profession has been, and is, illuminated with the names of industrious and brilliant men who have achieved success without formal training; but we all must realize that now with the multiplication of the law and administration, a graduate of an accredited law school is enough of a hazard to loose upon a credulous public. Constantly, we of the academic world are increasing our offerings of post-admission education through institutes, conferences and special study courses. I regard our increased standards as the outstanding achievement in public service of this organ-

ized Bar. We shall eventually find, as has the medical profession, that admission examinations are inconsequential if the rules of eligibility are sufficient. It is not too much to hope that we shall soon reach American Bar Association standards. In passing, attention should be called to the reduction in number of candidates, the doubling of expenses, and the financial burden placed on the Mississippi State Bar, which, if continued unrelieved, will curtail our already circumscribed activities.

Northwestern University, the University of Mississippi, the Mississippi State Bar, and the Municipal Officers Association, with the cooperation of the American Bar Association, sponsored jointly the first Traffic Court Conference for the benefit of Police Justices and Justices of the Peace. We thought it quite successful, and hope to put it on again next year. The theory of the American Bar Association, as outlined by their representative, Judge Hill, was that if we can't abolish Justices of the Peace, then the next best thing is to attempt to educate them along the nature of their representation of the law. The ordinary citizen judges the law, the lawyers, and the courts largely by his contacts with them; and the ordinary law abiding citizen comes in contact most often with the traffic courts. It is through them that he gains his disrespect for all of us.

There are a couple of recommendations I would like to make.

While the distribution of favorable information to the public through the media of newspapers, radio, and television is ordinarily envisaged as the pattern for public relations, these are merely window dressing for the market of organized and individual conduct and service. With the tremendous economic progress made by this state since the Great Depression, coupled with the social and political upheavals made in the nation since World War II, the need for recasting our laws —administrative, procedural, and substantive—and, perhaps, even our judicial system, is both apparent and pressing. Bar Association committees, no matter how loyal and industrious, lack continuity, time, funds, and over-all direction. The time has come when there must be organized a separate, but adjunctive, body in the nature of a judicial and legislative council (or both) with a full time director, one or more research assistants, and a secretary, as a meager beginning. It is remarkable that the Mississippi Economic Council has made so much more of a comprehensive and detailed study of our law, judicial and public administration, as a basis for a formulated program, than has our Association. It is, perhaps, no surprise, since a great deal of the leadership of that organization is from our ranks. However, although business men should furnish the pressure and the assistance, the organized Bar should furnish the ideas and the initiative, as well as the final formulation, for legislative and constitutional enactment. The value to the public of a fur-

ther simplification of procedure to make for speedy and less expensive judicial administration would be a tremendous contribution to public relations, furnishing its own advertisement.

Finally, I would speak briefly of the conduct and service of the individual lawyer. I have no reference here to the fine work of the Complaint Commissioner of the last several administrations, but rather to those areas of public relations where the character and conscience of the lawyer is his only restraint.

In looking back over the speeches of past presidents I find that the most recurrent thesis has been a decrying of the low estate in which the lawyers find themselves in public estimation, followed by an exhortation to return to our destined and traditional leadership in the community, the state, and the nation. This is simply an inspirational method of urging an improvement in public relations. Few, if any, have dared to be more specific than to recommend the distribution of favorable information to the public through the newspapers, radio, and television, and the setting up of free assistance to indigent litigants. It is possible that they, even as you and I, realize that Sir Edward Coke, Samuel Adams, Alexander Hamilton, Patrick Henry, Andrew Jackson, and Abraham Lincoln dead are claimed with pride, but living might well have been reported to the Complaint Commissioner. Yet the common denominator of all these men, when their ideas are divorced from their personalities, and sometimes from other actions, was the contribution made to the freedom of the individual which all revere and quote on occasion, whether rich or poor, weak or tyrannical, black or white, Democrat or Republican.

All my professional life I have tried to follow one distinction gained from the late Dean Tom Kimbrough, under whom I studied ethics. I was led to believe by him that to attack the ideas and legal opinions of a judge was in good taste and a duty of the advocate and scholar, whether in oral or written argument, in court or in texts, and was a contribution to the clarification of law and justice. But to attack the integrity of a judge, unless you were prepared to bring charges for impeachment which he might answer, was not only analogous to striking a defenseless man, but was unbecoming an officer of the court. It reflected badly upon yourself and your profession, and was a kind of "left-handed treason," since you were actually engaged in trying to undermine a constitutional branch of the government, whether state or federal. I recommend this distinction with the query of whether or not enough members of the Bar of Mississippi, by failing to exercise this type of civic leadership, haven't contributed to a deterioration in public relations. Are we not responsible for some of the "grass-hopper opinions"

and "white-capping moralities" expressed by some newspapers and some speakers with an assurance born of blatancy, so long uncontradicted, that they now would deny freedom of speech and advocate thought control of any who might differ? When the public believes that courts are crooked it will want and expect only crooked lawyers for its practice. The very core of legal public relations is the maintenance of respect for the courts.

Thank you.

Mr. Gibson B. Witherspoon of Meridian presented the Report of the Committee on a Uniform Commercial Code.† Upon motion and second this report was adopted.

President Farley then introduced Mr. Walter P. Armstrong of Memphis, who delivered the following address:

ATTORNEY FOR THE DEFENSE

*Walter P. Armstrong, Jr.**

It is unfortunate, but true, that many lawyers who go into court to try cases today are inadequately prepared. Too few of them heed the admonition of the United States Supreme Court that "litigants ought to prepare their cases for trial before the jury is impaneled and sworn."[1] This, of course, applies equally to both plaintiffs and defendants; but its effect is perhaps more pernicious in the case of defendants, for it raises the possibility of an unjustified recovery against an innocent party, whereas it is basic to our concept of justice that it is better that the guilty should go unpunished than that the innocent should suffer.

Where the failure is in the briefing of the law, the error at least is subject to correction upon appeal, and the only result is to impose upon the party an additional and unnecessary burden of cost and delay. But when it is the facts which are incompletely presented, then there is no recourse; for once the defendant has had his day in court, no excuse or explanation will prevail to gain him another opportunity to introduce evidence which would have been available to him at the hearing had due diligence been exercised, but which he failed to offer. As the Supreme Court of this state once put it, "It is the duty of the party to have his case ready for trial when the trial is entered upon, or to produce satisfactory evidence of reasons why the trial should not be had; and failing

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†All committee reports will be found in Appendix A.

*Armstrong, McCadden, Allen, Braden, and Goodman, Attorneys at Law, Memphis, Tennessee.

[1]Storm v. United States, 94 U. S. 76 (1876).

to do so, he cannot afterwards complain of the result of his failure to conform to his duty in that regard."[2]

What steps should be taken by a defendant's attorney to assure that he will be ready when the trial date arrives? There are many, and they must necessarily vary with the temperament and techniques of the individual attorney. But there are a few which are so fundamental that they will recur in case after case, regardless of its nature or of the circumstances under which it is tried. Primary among these is a rule that he must familiarize himself with the facts upon which his case is based.

I have never tried a case in which at the time of trial I did not firmly believe that I was on the right side. I do not see how any lawyer could do so; for in order to be convincing to the court and jury he must present his case with obvious sincerity, and in order to be sincere he must believe in it himself. Nor should this process of "auto-conviction" be based upon a distortion or only a partial consideration of the facts. This should not be necessary. There is no controversy which does not have two sides, and, as the points in favor of each are developed, the basic issues should become clear. Since the attorney will naturally view them from his client's point of view, he will inevitably find, if his investigation is complete and unbiased, that his client is in the right; not, perhaps, that he should be exonerated completely, for this is not always possible, but at least that the consequences of his act should be held to a minimum. In dealing with facts favorable to his client's side of the case, the attorney will be considering, perhaps subconsciously, how they can be most effectively presented. In dealing with those which are unfavorable, he will be planning how they can best be neutralized. It is the resolution of these problems that constitutes the trial tactics which are his stock in trade.

Many years ago a young lawyer named James Boswell discussed these matters with his learned friend, Dr. Samuel Johnson, and the words which were spoken upon that occasion still bear repeating:

BOSWELL: "But what do you think of supporting a cause which is bad?"

JOHNSON: "Sir, you do not know it to be good or bad till the judge determines it. You are to state facts clearly; so that your thinking, or what you call knowing, a cause to be bad must be from reasoning, must be from supposing your arguments to be weak and inconclusive. But, Sir, that is not enough. An argument which does not convince yourself may convince the judge to whom you urge it; and if it does convince him, why then, Sir, you are wrong and he is right. It is his busi-

[2]Roberts v. International Harvester Co., 181 Miss. 440, 179 So. 745 (1938).

ness to judge; and you are not to be confident in your own opinion that the cause is bad, but to say all you can for your client, and then hear the judge's opinion."

BOSWELL: "But, Sir, does not affecting a warmth when you have no such warmth, and appearing to be clearly of one opinion when you are in reality of another opinion, does not such dissimulation impair one's honesty? Is there not some danger that a lawyer may put on the same mask in common life in the intercourse with his friends?"

JOHNSON: "Why, no, Sir. Everyone knows you are paid for affecting warmth for your client, and it is therefore properly no dissimulation; the moment you come from the Bar you resume your normal behavior. Sir, a man will no more carry the artifice of the Bar into the common intercourse of society than a man who is paid for tumbling upon his hands will continue to tumble upon his hands when he should walk upon his feet."[3]

It is apparent from this little dialogue that while Boswell was admitted to the Bar and Johnson was not, the learned Doctor was the better lawyer of the two. For had Boswell been a true advocate, the doubts which beset him as to his profession would never have entered his mind. He would not have been troubled by the danger of having to support a bad cause, to affect a warmth where he had no warmth, or of appearing to be clearly of one opinion when he was in reality of another, for with the true advocate these situations never arise. By the time he gets to court his strength is as the strength of ten because his cause is just, his warmth has reached fever pitch, and there is only one opinion possible upon the facts which he has uncovered. If he has not convinced himself to this degree, then his investigation and preparation have been lacking in some respect.

The condition which produces this psychological situation, regardless of the point of departure, has been considered by Judge Jerome Frank in his book, *Law and the Modern Mind.* He says:

> "In the case of the lawyer who is to present a case to a court, the dominance in his thinking of the conclusion over the premises is moderately obvious. He is a partisan working on behalf of his client. The conclusion is, therefore, not a matter of choice except within narrow limits. He must, that is if he is to be successful, begin with a conclusion which will insure his client's winning the lawsuit. He then assembles the facts in such a fashion that he can work back from this result he desires

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[3]Boswell's Life of Johnson (Hill ed. 1934).

> to some major premise which he thinks the court will be willing to accept. The precedents, rules, principles and standards to which he will call the court's attention constitute this premise."[4]

The danger in this process is obvious. It is the tendency to distort the facts to fit the conclusion, to ignore the implications from unfavorable facts, or even to ignore the facts themselves. This can only be rationalized by assuming that your opponent is incompetent, and this is an assumption which is rarely, if ever, justified. The lawyer who goes into court knowing that there are facts which can be produced against him, but unprepared to meet them, in the hope that they will not be put forward through an oversight on the part of the opposing counsel, deserves to lose his case. The defendant's counsel must be prepared to defend against the best possible case which can be made out against his client. If the case which is actually presented is weaker, so much the better; but preparations for defense should never be curtailed upon the theory that it will be. The thoroughness of preparation can frequently be measured by the number of witnesses summoned but not called, for they represent the defendant's anticipated answer to arguments which the plaintiff did not invoke. To this extent they reflect that the defendant's attorney knew more about the plaintiff's case than did the opposing counsel, which is a highly desirable situation from the defendant's point of view.

This can only be achieved through thorough and painstaking preparation. The ideal situation is for the attorney who is to try the case to do the investigation himself. Nothing else can familiarize him to the same degree, not only with the information which the witnesses have to give, but also with their personal idiosyncrasies, which may affect their manner of giving it. However, in these days of mass production it is seldom possible to achieve this ideal. In preparing for the defense of suits, it is more usual to turn the matter over to a younger member of the firm, or, in cases where an insurance company or similar organization is involved, to a claims investigator. Where this is done, there are certain precautions which should always be taken. Written statements should be obtained from all prospective witnesses, and, if possible, should be read and signed by the witness himself. If signed, each should include the statement that it contains everything which the witness knows regarding the events in question, so as to avoid last minute additions which might invalidate much of the information previously given. The attorney who is to try the case should go over these statements with great care. They are the material from which his case will be built. He should never take it for granted that they are complete, or that, because any reference to a certain matter is omitted, the witness has no information con-

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[4]FRANK, LAW AND THE MODERN MIND, at 100 (1949).

cerning it. Any such questions should be referred back to the investigator, to be followed up with the witnesses already contacted or such others as might be suggested. Frequently the case will turn upon a point of this nature which does not become apparent until the statements of witnesses are laid side by side and compared.

Of course, if the preliminary investigation attains the ideal, or even approximates it, there will be no occasion for these checks and re-checks. But this is seldom the case. The competent factual investigator is much more difficult to find than the expert legal analyst. The late Lloyd Paul Stryker, who during his lifetime had a wealth of experience along this line, has said:

> "The really difficult problem in the preparation of the case is to learn what the facts really are, and no matter how long or conscientiously you work, you will never know them all. The law seldom decides the issue, the facts do; and as contrasted with the ascertainment of the facts, the law is relatively easy to discover. There are a hundred good researchers of the law to one who has a genius, I may say a nose, for the discovery of the true facts."[5]

The difficulty is, as I have indicated, that the investigator, working from a predetermined point of view, is likely to be carried away by his enthusiasm, and to build up too good a case. If he is persistent enough, the witness is likely to tell him almost anything within the bounds of reason and veracity, simply to get rid of him. Lines of inquiry which appear favorable he is likely to pursue to their extreme limit, or even beyond, while those which seem unpromising he is likely to ignore. When an investigator reports that all the facts which he has been able to uncover support your client's contentions, then this is the time to beware, for you can be sure that this process has been in operation. There are always ascertainable facts on either side of a controversy. Failure to find them can only result from wishful thinking.

The only way to guard against this pitfall is for the attorney, even when he cannot do his own investigating, to at least interview each witness personally in advance of trial. In this interview he can go over with the witness the statement the investigator has furnished him, thus checking its accuracy and completeness. He should encourage the witness to give him any facts which might be unfavorable, explaining that it is far better to be aware of them in advance so that they may be prepared against than to be taken by surprise at the trial. Once the witness understands the importance of this, he is likely to be more frank.

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[5]Stryker, The Art of Advocacy, at 11.

During this same interview, the attorney can form an estimate as to the best method of interrogating the witness at the hearing. Different types of witnesses demand different approaches, and it is dangerous to either use the same technique with all of them, or to face them for the first time in the courtroom. Most witnesses are nervous about going into court, and this pre-trial interview also affords an opportunity to forestall, to some degree, this nervousness, by explaining to them what will be expected of them when they are called on to testify.

William Prickett has embodied some of these principles in an article called "Getting the Facts," which he contributed to a symposium edited by John Alan Appleman under the general title *Successful Jury Trials.* I can do no better than to quote two paragraphs from his work before I leave the subject:

> "The successful advocate should know the facts, all of them, good or bad, and should be willing to face them. Neither the client nor the attorney should close his eyes to unfavorable facts. Often a client, especially a successful or forceful individual, will feel, for some reason, that his lawyer will represent him more effectively if the client presents only his side of the dispute and touches very lightly on, or suppresses, the other side; the lawyer himself may dislike to face the unfavorable factors in his case; he will tell himself that the case may be settled so that investigation on that phase of the facts can be deferred.
>
> "If the investigation is made by counsel of his staff, it is most important that, in an interview, they should not lead either the client or a witness in his account of what has happened. What is being developed is the facts, not what one would like the facts to be. In all honesty, the client is certainly going to present his case as favorably as he can; but his difficulty may be that he does not know what version is favorable; but, if he is led, he may conclude that he knows what the right answers should be. With a favorable witness, there may be the same result. With a hostile witness, the result will be the same but in reverse. Let each one tell his own story for better or for worse."[6]

Let us suppose, however, that the story is worse rather than better; what is the attorney going to do about it? He cannot change the facts. He cannot suppress them. Certainly he cannot rely upon his opponent failing to discover or develop them. He can, however, do one or more of three things. He can minimize them, he can explain them, or he can contradict them. In any case he must elicit further facts which will have

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[6]Appleman, Successful Jury Trials.

the desired effect, and this can only be done by further interrogation and investigation. As long as the axiom is accepted that there are two sides to every controversy, it follows that there must be such facts. In this respect the rather imaginative description which Melvin Belli has applied to the preparation of a plaintiff's case for trial is equally appropriate to a defendant's:

> "If the night has a thousand eyes, the law has a million. Where is the happening that has not witnesses? He is out there—riding on the streetcar, stepping out of the elevator, coming home from a late party, as ever-present as man's occupation is varied. Find him. It is upon him and his story that our mode of trial is based."[7]

It may, at first glance, seem that there is a certain contradiction between the injunction to consider the case fully and impartially and the recognition that the advocate must approach it from a partisan point of view. However, upon analysis, this paradox reveals itself as more apparent than real. An attorney cannot afford to suppress evidence any more than he can afford to fabricate it. Were there no moral sanctions involved, the risk would still be too great. What he can do, and what he must do if he is to prevail at the trial, is to face its implications and be prepared to deal with them. The same facts can be presented in many different manners, and it is often the manner of presentation rather than the substantive content which determines their effectiveness. Sometimes a poorly painted picture in an appropriate frame with proper lighting and perspective is more attractive to the beholder than a dusty masterpiece in a dark corner. The advocate, like the artist, cannot always choose his subject; but he can embellish it, seeing to it that its virtues are permitted to shine forth while its blemishes remain obscured. It is here that advocacy becomes an art.

Again, not only the best, but the only, possible foundation for this process is a complete familiarity with the facts of the case. Francis X. Busch, of the Chicago Bar, has given a check list for the acquisition of this knowledge which may prove helpful as a general guide, although it must frequently be varied to meet the exigencies of a particular case. Mr. Busch recommends:

> "First: The thorough examination of one's client;
>
> Second: The viewing of the *locus in quo,* or the instrumentalities involved in dispute;
>
> Third: Interviewing of all known witnesses, and securing their signed statements, wherever practicable;

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[7]Belli, Modern Trials, note, p. 58.

Fourth: Where the case is of a nature to be aided thereby, the taking of photographs of places, persons or instrumentalities, and the preparation of illustrative maps, plats, models or experimental apparatus;

Fifth: The taking of full advantage of statute or code provisions permitting a preliminary examination of adverse parties, their agents or employees; requiring identification and disclosure of written evidence in the possession of adverse parties; and requiring sworn answers of adverse parties or their agents to pertinent interrogatories or requested admissions;

Sixth: The careful study of all facts accumulated as the result of the foregoing to develop admissible circumstantial (as distinguished from direct) evidence, from which legitimate inferences may be drawn to corroborate direct evidence;

Seventh: In an appropriate case, the intelligent selection of experts, and the preparation of expert testimony;

Eighth: The preparation of intended witnesses for the giving of their testimony."[8]

There are some dangers inherent in this type of preparation. One is that, as a result of it, the testimony will become so stereotyped that it will lose some of its effectiveness when the time for presentation in the courtroom arrives. Some lawyers go repeatedly over the evidence with their witnesses to such an extent that, upon testifying, they simply repeat, parrot-like, the words which have become familiar to them. This lack of spontaneity not only detracts from the impression of sincerity which is so necessary in any witness, but often even raises a suspicion, even though unfounded, of lack of complete candor.

Another potential danger is that the attorney, especially the defense attorney, who plans his campaign too rigidly in advance may be caught completely off guard by unexpected tactics on the part of his opponent, and may not be able to adapt himself to the necessary changes in procedure quickly enough to retain control of the situation. Here again the answer is adequate preparation; for the defense attorney should be prepared, not only for the case which he expects, but for any case which his opponent may present. Only in this way can he maintain the complete flexibility of approach which is so vital to his success.

Nowhere is this demonstrated more clearly than in cross-examination. Here the attorney has no opportunity to determine in advance what the witness will say in response to any given question, except

[8]Busch, Law and Tactics in Jury Trials § 187 (Students' ed. 1950).

through his general knowledge of the case. Yet one thoughtless inquiry, one unconsidered remark, may undo the work of hours or even days. Nowhere has this aspect of cross-examination been dealt with more feelingly than in a book published more than thirty years ago, but still, in my opinion, unsurpassed. It is Francis L. Wellman's *The Art of Cross-Examination*. Mr. Wellman says:

> "The experienced examiner can usually tell, after a few simple questions, what line to pursue. Picture the scene in your own mind; closely inquire into the sources of the witness's information, and draw your own conclusions as to how his mistake arose, and why he formed his erroneous impressions. Exhibit plainly your belief in his integrity and your desire to be fair with him, and try to beguile him into being candid with you. Then when the particular foible which has affected his testimony has once been discovered, he can easily be led to expose it to the jury. His mistakes should be drawn out often by inference rather than by direct question, because all witnesses have a dread of self-contradiction. If he sees the connection between your inquiries and his own story, he will draw upon his imagination for explanations before you get the chance to point out to him the inconsistency between his later statement and his original one. It is often wise to break the effect of a witness's story by putting questions to him that will acquaint the jury at once with the fact that there is another more probable story to be told later on, to disclose to them something of the defense, as it were. Avoid the mistake, so common among the inexperienced, of making much of trifling discrepancies. It has been aptly said that 'juries have no respect for small triumphs over a witness's self-possession or memory.' Allow the loquacious witness to talk on; he will be sure to involve himself in difficulties from which he can never extricate himself. Some witnesses prove altogether too much; encourage them and lead them by degrees into exaggerations that will conflict with the common sense of the jury. Under no circumstances put a false construction on the words of a witness; there are few faults in an advocate more fatal with a jury."[9]

Here again, once the golden opportunity to ask the pertinent question and elicit the vital information has passed, it can never come again. A recent case decided by the Supreme Court of this State furnishes an excellent example of this. Plaintiff sued to recover damages for personal injuries as an alleged result of the negligent operation of a truck. He as-

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[9]WELLMAN, THE ART OF CROSS-EXAMINATION.

serted that prior to the accident, he had suffered from a heart condition which was greatly aggravated as a result of it. He received a substantial verdict at the hands of the jury; but subsequently it developed that, as a consequence of the original heart condition and prior to the accident, he had been paid $3,000 in settlement by a person other than the defendant. At the hearing he had not been asked about this settlement, but it was assigned as a ground for a new trial upon motion. However the court said:

> "It seems safe to say that, if he had been asked about the $3,000 settlement, no doubt he would have related all the facts. The appellants were put on notice. If they wished to find out more about the origin of his heart trouble, or whether he received any compensation therefor, they should have asked him. The motion for a new trial on that ground was properly overruled."[10]

Thus again it is demonstrated that unless defendant's counsel develops the facts fully at the trial, he cannot ask courts of appeal to extricate him from the dilemma which he has himself created. For really, in the last analysis, the legal principles which determine any case are dependent entirely upon the facts involved. There is no such thing as law in the abstract; there is only the law of the case which is on trial at the moment. Charles P. Curtis recognized this when he said: "The trial court has a prodigious task. Lawyers oversimplify it and make it look easier than it is when they try to find some inherent and essential difference between law and fact, and talk about applying the law to the facts."[11]

Mr. Justice Holmes expressed the same thought to Harold Laski in a letter, thirty years ago, in which he wrote: "There may be bothers from complex facts, but when you have mastered them one question of law is much like another."[12]

The primary function of the jury trial is to elucidate the facts; and this factual determination continues to be the heart of our jury system, and the basic function of our trial courts. With this in mind, it is difficult to see how so perceptive a writer as David Riesman can say: "To be sure, most lawyers today recognize that their most important work is done in the office, not in the courtroom; the elaborate masked ritual of the courtroom holds attraction only for the neophyte and the layman."[13]

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[10]Clark v. Gilmore, 213 Miss. 590, 57 So.2d 328 (1952).
[11]Curtis, It's Your Law, at 88 (1954).
[12]1 Holmes-Laski Letters 806 (Howe ed. 1953).
[13]Riesman, Individualism Reconsidered, at 440.

I do not hold with Mr. Riesman. If he is correct, then it would mean that our profession has deteriorated, and that I will never concede. For while a great deal of any lawyer's work is, of course, done outside the courtroom, it is all dependent upon his ability to enforce his client's rights through the courts, if necessary. Behind every legal document drawn there are the sanctions of law which can be invoked to enforce it, if necessary. Without them it would be meaningless.

For that reason I would substitute for Mr. Riesman's "masked ritual of the courtroom" a vision of justice, though, perhaps, fleetingly glimpsed. As the central figure in this panorama I offer the trial attorney, the advocate, admittedly partisan, but confident in the belief that, by the thorough presentation of both sides of any controversy, right must ultimately emerge. Let us picture him in the person of Martin W. Littleton, whom Lloyd Stryker called "the greatest American jury lawyer of his generation."[14] What was the secret of his success? Let him say it for himself, in words which may perhaps supply a fitting close to my remarks:

> "You cannot inspire confidence and engender faith where you have none yourself, and you can have none if you do not know your case thoroughly. This is such a fundamental principle, not only for opening statements, but for the whole trial of the case, that it should be impressed deeply in every trial lawyer's mind. We hear of some trial lawyers who boast that they require no preparation and have the capacity to pick up the case as it goes along. Do not admire them or emulate them. All the best-known trial lawyers of this country achieved success in court largely by downright hard work before they ever took their cases to court, and when they got there they knew in detail every fact. The outstanding trial attorney boasts of how hard he has worked in the preparation of his case and not of how little he has worked.
>
> "The thorough knowledge of every fact in your case will give you the calm and poise which are so important in the courtroom. Your mind will be completely at ease and you will be relaxed because you are entirely free from haunting uncertainty and doubt. You cannot have poise and an active presence of mind when you are inwardly beset by misgivings and doubts."[15]

There can be no better advice than to follow these precepts.

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[14]Stryker, The Art of Advocacy, at 155.
[15]Littleton, Opening to the Court or Jury, at 18.

Mr. Phil Stone of Oxford presented the Report of the Procedural Reform Committee. Upon motion and second this report was adopted. The meeting was then recessed for the morning.

FRIDAY, JUNE 24, 2:00 P. M.

The meeting was called to order by President Farley. Mr. J. K. Travis of Hattiesburg presented the Report of the Budget and Finance Committee. Upon motion and second the report was adopted.

Mr. Harry C. Griffith, Editor of the *Mississippi Law Journal,* presented the Report of the Editorial Board and the Report of the Law Journal Committee. Upon motion and second this report was adopted.

At this time Mr. John C. Satterfield of Jackson introduced Mr. Loyd Wright, President of the American Bar Association, who delivered the following address:

THE LAWYER'S RESPONSIBILITY AND THE FIFTH AMENDMENT

*Loyd Wright**

The paragraph which constitutes the Fifth Article of our Constitution's Bill of Rights contains within its brief compass a surprising number of our most effective and most precious guarantees of individual freedom against the collective power of the federal government; but in the light of recent events a reference to the Fifth Amendment is not likely to call to mind the guarantee of indictment by a Grand Jury, the protection against double jeopardy, the prohibition against the taking of private property for public use without just compensation, or even the fundamental assurance that we shall not be deprived of life, liberty, or property without due process of law. Today when we hear of the Fifth Amendment we actually think of that clause of the amendment that "no person . . . shall be compelled in any criminal case to be a witness against himself."

We are currently hearing a great deal about this privilege against self-incrimination. The privilege was first brought prominently into the spotlight of public attention some four years ago during the investigation of organized crime conducted by the committee headed by Senator Kefauver. The nation's television audiences were treated to the spectacle of a procession of racketeers and hoodlums who, one after another, carefully intoned the familiar formula, "I respectfully decline to answer on the ground that I might incriminate myself." The American's right

*Wright, Wright, Green, and Wright, Attorneys at Law, Los Angeles, California; President of the American Bar Association.

not to testify against himself quickly spread beyond the confines of the courtroom and became a part of the public domain.

More recently we have witnessed the operation of this privilege in a contest which offers less in the way of entertainment and much more in the way of cause for concern. The investigations into communist infiltration and subversion conducted by committees of both the House and the Senate the past few years have revealed a number of once trusted government officials and employees, public school teachers and university professors, and even officers of the court—lawyers—who have refused to answer questions regarding their connection with the communist conspiracy upon the ground that answers would implicate them in criminal activity. The sinister inferences of these plans once again aroused public interest in the privilege against self-incrimination. Now concerned is the aspect of the struggle for national self-preservation. More and more people have become directly concerned with the privilege, and seek to learn what a claim of the privilege can fairly be taken to mean. The widely publicized hearings have served to introduce the layman to the Fifth Amendment, but they have failed to provide him with more than a nodding acquaintance.

As the only group in society trained in the interpretation and application of legal rules, the lawyers occupy a special position in the American scheme of things. Like all good coinage this special position has two sides, an "obverse" and a "reverse." One side is the unique privilege to pursue the practice of the arts and skills in which we have been trained, the reverse of which is our obligation to the public to employ our training in the best interests of the community at large. It is, I believe, our clear responsibility to do what we can to explain to the citizenry the legal aspects of the great public issues of the day; our duty to destroy misconceptions about legal rights when those rights find their origin in the Constitution.

A system of government which puts its faith in the Courts for the protection of individual liberty must ultimately find its vindication of that liberty in the hands of the lawyers. We must discharge this sobering responsibility by resisting with all our force attacks upon our freedom, no matter how well intended the attack or how unpopular the defense. But we have an equal responsibility to point out the limits of those freedoms, and to unmask attempts to twist them into shields for lawlessness. It is our responsibility to speak out to remove the perplexities which belabor the public concerning the Fifth Amendment. What then shall we tell the public about the privilege against self-incrimination?

To begin at the beginning with the privilege against self-incrimination is not an easy task. The origins of the privilege are obscure. Of this much we can be tolerably certain, the privilege appeared as a part of the common law of England sometime during the Seventeenth Century; and found its reasons for being in the excesses of the High Commission, the infamous star chamber, during investigations into religious heresy. More basically it is probably safe to conclude that the privilege arose, in part at least, in response to the sense of injustice of the techniques of torture.

More significant than the origins of the common law privilege is the fact that the individual's right not to be a witness against himself was thought to be sufficiently fundamental to liberty under law, that the American people preserved it both in the Federal Constitution and in the constitutions of all but two of the states. The privilege against self-incrimination in your Mississippi Constitution is more carefully limited to its appropriate scope than in many of the formulations of it in other states. The clause, as you undoubtedly know, drawn by a committee headed by the great Judge Edwin Mays provides, "In all criminal prosecutions the accused shall not be compelled to give evidence against himself."

In any event, the purpose which underlies the legal rule ordinarily contributes more to an understanding of it than its historical sources. The purpose behind the privilege against self-incrimination is the protection of the innocent. The impossibility of divorcing the question of guilt from the question of fairness of procedure, by which guilt is determined, is a fact that lawyers constantly deal with. It follows that if we would protect the innocent we must also shield the guilty. There is no easy answer to this dilemma. A choice between ideal efficiency and ideal fairness has to be made. The choice clearly reflected in our legal system is that efficiency must be sacrificed.

Perhaps this purpose to protect the innocent can be seen more clearly if we take a brief look at two of the subsidiary purposes included within it. First, there is the purpose to protect the innocent members of society at large from the uncalled for invasions of privacy which would attend the use of indiscriminate periodic inquisitions by the prosecutor, as a means of discovering whether crimes might have been committed. The great Dean Wigmore explained the purpose of the privilege in these words: "The system of 'inquisition,' properly so-called, signifies an examination on suspicion, without prior presentment, indictment, or other formal accusation; and the contest for one hundred years centered solely on the abuse of such a system. . . . No doubt a guilty person may be justly called upon at any time, for guilt deserves no immunity. But

it is the innocent that need protection. Under any system which permits John Doe to be forced to answer on the mere suspicion of an officer of the law, or on public rumor, or on secret betrayal, two abuses have always prevailed and inevitably will prevail; first, the petty judicial officer becomes a local tyrant and misuses his discretion for political, mercenary, or malicious ends; secondly, a blackmail is practiced by those unscrupulous members of the community who through threats of inspiring a prosecution are able to prey upon the fears of the weak or the timid."

A second, subsidiary, purpose of the privilege—perhaps a more significant justification for it in the present day—is the protection of the innocent from the coercive measures of the over-zealous enforcement officer. We have long abandoned torture as an accepted means of discovering the truth. By requiring that evidence of crime come from sources other than the mouth of the accused, we remove one temptation of the police to employ coercive means. As an English commentator on the privilege explains this purpose, it is easier "to sit comfortably in the shade rubbing red pepper in a poor devil's eyes than to go about in the sun hunting up evidence."

The purpose here, again, is the protection of the innocent man. If every man has his price, so every man has his breaking point, the point where it is easier to give the interrogator the answer he seeks than to insist upon the truth. The high development of the science of brain washing at the hands of the communists bears eloquent contemporary witness to the wisdom of the rule which recognizes the unreliability of self-accusation.

If we are to continue to put fairness above efficiency in the administration of our criminal law, and to protect the individual against the collective power of government, then I think we must reject the proposal of those who would abolish the privilege against self-incrimination.

If we are not now ready to repeal the Fifth Amendment then it seems to be essential that we clear up the confusion surrounding it, and make certain that the privilege is not misused to conceal more than is necessary to honor the constitutional liberties at stake.

Our thinking about these problems can be clarified if we divide them into two classes. First, there are problems faced by a person who has been summoned to appear as a witness before a court or investigating body, and who is in doubt as to the scope of his right to refuse to answer and as to the wisdom of invoking that right. In a separate category are the problems faced by an employer who learns that one of his employees has, for some reason, claimed the privilege against self-incrimination. If the reluctant witness happens to be an employee of the government, each

of us as a citizen, of course, shares in the responsibility of the employer. In the first category of the problems that confront the prospective witness and his lawyer, the basic question has largely been settled in the core and, although there may still be trouble along the edges, the general answers are relatively easy. The Constitution of the United States does not leave the protection of the individual to vague and lofty declarations of the rights of man. It is not a shield to anyone who for any reason does not wish to cooperate with the duly constituted authority. It is rather a legal rule that tells us simply that a man cannot be compelled to disclose under oath facts which might be used against him in a prosecution for the commission of a crime.

The Mississippi Supreme Court aptly puts it this way: "Such constitutional provisions granting witnesses a privilege from giving self-incriminating evidence are intended for the protection of the witness and have no proper application when the witness is not in danger of actual conviction." The witness can properly decline to answer only if there is a danger of a criminal prosecution. That the required disclosures will be embarrassing to him, that they will subject him to criticism, that they will impair his social standing, that they will cause him to lose his friends, or even that they will cost him his job—all these separately, or in combination—are not enough to entitle a witness to refuse to answer.

A situation which has caused confusion and needs clarification is the case of the witness who is willing to answer any question relating to him and his own activities, but who is opposed to supplying any information about his friends and associates. He may be understandably reluctant to subject them to the discomfiture of being called before a committee or to expose them to the risk of prosecution; but the privilege against self-incrimination does not justify his position. The privilege is personal. A witness has no right to refuse to incriminate others. Indeed, if the witness knows that his associate has committed a serious crime the refusal to disclose that fact makes the witness himself guilty of the crime of compounding a felony. In the most usual case the witness probably believes his associates to be entirely innocent; but that is a judgment that he is not legally entitled to make.

It has sometimes been suggested that a witness may invoke a right to silence if he fears that he may be prosecuted and convicted of perjury for what he would otherwise say, because of his inability to prove that his testimony is truthful. A moment's reflection should suffice to reveal the fallacies of this thinking. In the first place the privilege conferred by the Fifth Amendment is a privilege of a person not to testify against him-

self. The witness who is giving testimony which may be questioned is not testifying against himself. He is either committing the crime by the very act of testifying or he is not. Moreover, to recognize the existence of a privilege in such a situation requires the assumption that our legal system is so warped that a truthful witness runs a great risk of being unjustly convicted of lying. As a working hypothesis in any legal system, such an assumption would make the operation of the system impossible. Any witness would be free to refuse to answer any question under oath by invoking the possibility of a perjury prosecution. It should come as no surprise that this view apparently has not been accepted by any court, and that it has been rejected at least by implication by many, including the Supreme Court of Mississippi.

One of the most persistent of the popular misconceptions concerning the Fifth Amendment is the notion that a witness is entitled to invoke it —indeed, that he is morally bound to invoke it—not because of any danger of self-incrimination, but as a protest against the conduct of legislative investigations. It should be self-evident that as a branch of government invested with the responsibility of the formulation of national policy and for the determination of how that policy should be effectuated, Congress has not only the power, but also the duty, to inform itself for the intelligent discharge of its functions. Moreover, as the branch of federal government most responsive to the popular will, Congress has the right to appeal to the public for the support of its policies by making its findings known.

A democracy can work only with a well-informed electorate. As Woodrow Wilson said, "the informing function of Congress should be preferred even to its Legislative function." Against this need to let the people know, must be balanced the individual's claim to privacy. Traditionally we value freedom of belief as among our most fundamental rights; and we abhor efforts at thought control. It is probably unwise in ordinary times for the government to inquire into the political theories espoused by an individual; but these are not ordinary times. When a political belief of a particular kind threatens violent overthrow of the government and is backed by a conspiratorial organization within our boundaries and by a military force poised for action abroad, some inquiry into political belief must be tolerated if we are to survive.

The Constitution does not compel us to sacrifice the freedom of the nation for the sanctity of an individual's thoughts.

It is futile, of course, to insist that legislative investigations have always been scrupulously fair, or that witnesses have never been mistreated. It is not surprising that on occasions the political branch of government

behaves politically. Taking into account the laws of human nature, occasional injustices are certainly not improbable. It is crystal clear that unfairness in the conduct of such hearings is not confined to any particular committee, nor to any particular political party, nor to any era of our history.

The witness who invokes the Fifth Amendment without a foundation in fact for his plan fails in his obligations as a citizen and abuses a precious constitutional privilege. As Chief Justice John Marshall reminded us almost a century and a half ago, the statement of the witness that he fears a criminal prosecution when in fact he does not is "in conscience and in law as much a perjury as if he had declared any other untruth under oath."

We now come to the question of who can properly claim the Fifth Amendment. The witness who is in fact guilty of a crime has a solid basis for fearing that he may be incriminating himself, and he is clearly correct in law in refusing to answer upon this ground. Theoretically we may deplore this use of the privilege, but as a matter of practice it is unavoidable.

Perhaps the most controversial questions raised by the use of the Fifth Amendment have been those in the field of education, both public and private. We have heard much in these discussions about academic freedom, but I venture to suggest that no mention of it will be found in the Constitution. What is meant, I think, is simply this. The teacher's job is basically to seek the truth. With no economic axe to grind, he can afford to be objective and to consider all possible choices. We deplore the communist device of laying down the lines of orthodox theory in such fields as science, art, economics, and religion. We believe that in the long run we will survive only if we are willing to test every principle and tradition in reason. We must be careful, then, not to mistake the inquiring mind for a sign of disloyalty. On the other hand, it is the teacher's fundamental obligation to be objective and to accept the truth no matter where it may be found. If he owes a supervening loyalty to a political dogma, and finds his truth in a party decree, he lacks the basic qualifications of the teacher. His loyalty is essential in view of the influence he exerts upon the thinking and beliefs of the immature minds committed to his training.

The delicate problem posed by these considerations is how to eliminate these grave dangers of disloyalty without destroying the spirit of free inquiry, which is the essence of education. But the questions of whether an investigation into the loyalty of teachers should be conducted, and of whether the teacher should cooperate in such an investigation

once it is begun, are vastly different. The teacher has no greater privilege than any other citizen to the privacy of his thoughts and beliefs; rather it seems that his dedication to free inquiry imposes a greater obligation upon the teacher to be candid and open in his views. The use of the Fifth Amendment is inconsistent with his duty of candor, and, accordingly, a claim of the privilege should, as stated by the Association of American Universities, "place upon the professor a heavy burden of proof of his fitness to hold a teaching position."

Even more vital than the teacher to the preservation of liberty under law is the lawyer. It is entirely appropriate that we should end this discussion with the matter of keeping our own house in order.

We lawyers frequently lose sight of the fact that to be a member of the Bar and to practice law is not a right, but a high privilege, dependent upon continuous exacting conditions. It is obvious that the distinction between a person's status as an individual and his status as an attorney and officer of the court is of primary importance. The rights of an individual may or may not be consistent with his professional or official status. Where, however, the individual's rights are inconsistent, a choice becomes necessary either to forego the right or to relinquish the profession. When the assertion of the constitutional right by one who is also an attorney to seek protection against self-incrimination under the Fifth Amendment is present, this seems to be completely inconsistent with his high status as a member of the Bar, and an officer of the court; and the implications arising therefrom are such as to destroy the privilege and license. They are repugnant to the oath taken at the time of entering the Bar.

The choice of the personnel of the Bar rests with the state but the court has a continuing responsibility to re-inquire and re-determine from time to time—particularly when any suspicious circumstances arise—the fitness of the attorney to continue.

It is difficult to conceive of any investigation more important to the administration of justice and to the government, both state and national, than whether a lawyer, an officer of the court, a privileged person by reason of his license from the state, is affiliated or connected with the Communist Party or other subversive organizations or subversive persons. Such an inquiry involves the possible future existence of our nation and the security of all of our people. Loyalty to nation alone should be sufficient incentive to speak truthfully and frankly when properly interrogated, but the inherent loyalty that an individual owes to his country, added to the greater responsibility of being an officer of the

court and, therefore, a trustee of the future privileges of our citizens, certainly compel frankness and the truth in this regard.

While there is a constitutional right not to testify if a witness in good faith believes his testimony might incriminate him, this right goes to a person as an individual. It never was intended to protect a witness in an office. It was never intended to protect a lawyer as an officer of the court, and it cannot prevent the court from determining whether the witness publicly invoking the Fifth Amendment has not cast such suspicion on his fitness as an officer of the court that he should no longer enjoy the privilege. The court may not only withdraw its certification of him to the public and strike his name from its rolls, but it has the duty under such circumstances to do so.

To summarize, it seems to me clear that the privilege of self-incrimination conferred by the Fifth Amendment does not, properly construed and limited, so hamper our effort to preserve our way of life that it must be sacrificed or abandoned. The danger lies rather in the intentional misuse and the inadvertent extension of the privilege to mask attempts to destroy the government. As informed citizens, and particularly as lawyers, we bear a solemn duty to reveal these serious errors and to restore the privilege to its rightful place among our treasured liberties.

I thank you.

Mr. Josh Morse, III, of Poplarville, President of the Junior Bar, presented the Report of the Junior Bar Section. This report was adopted by the convention.

At this time Mr. Bidwell C. Adam of Gulfport introduced Mr. Perry Nichols, who delivered an address which has been withheld at his request.

Mr. William Henly of Hazlehurst presented the Report of the Corporate Affairs Committee. Upon motion and second this report was adopted.

Mr. O. B. Triplett, Jr., of Forest presented the Report of the Study Committee. Upon motion and second this report was adopted.

SATURDAY, JUNE 25, 9:00 A. M.

After the meeting was called to order by President Farley, Mr. J. Thomas Dunn of Meridian presented the Report of the Memorial Committee. Upon motion and second the report was adopted.

Mr. Joe H. Daniel of Jackson presented the Report of the Complaint Commissioner. Upon motion and second the report was adopted.

Mr. Jerome S. Hafter of Greenville presented the Report of the Judicial Conference for the Fifth Circuit. The report was approved.

Mr. Rowan H. Taylor of Jackson presented the Report of the Public Relations Committee. Upon motion and second the report was adopted.

Judge Tom P. Brady of Brookhaven presented the Report of the Judges. Upon motion and second the report was unanimously adopted.

Mr. Gibson Witherspoon then introduced Judge Joseph C. Hutcheson, Jr., who delivered the following address:

LAW AND THE LAWYER, THEN AND NOW

*Joseph C. Hutcheson, Jr.**

We all know what the law is, or think we do. It is the rule for the governance of people in a democratic country prescribed by the people, for themselves; therefore the rule of law here is the rule of law consented to. We consent to it, and we prescribe it, and, therefore we obey it.

Law doesn't take man's liberty away, it gives him his liberty. Without law there could be no liberty. It is a magnificent instrument which has been devised by which liberty and law are reconciled, the notion being that you have a right to have the law declared and that that law is going to be declared by instrumentalities which have only one interest, the declaring of the law.

The end of the law is peace. The means to that end is war. The life of the law is a struggle of nations, classes, and individuals; all the law in the world has been obtained by strife. Every principle of law had first to be wrung by force from those who denied it. Every legal right, whether the legal right of a whole nation or of a single state or of individuals, supposes a continuous readiness to assert it and defend it. The law is not mere theory, but living force; and hence it is that Justice holds in one hand the scale in which she weighs the right, and carries in the other the sword with which she executes it. All the great achievements which the history of the law has to record—the abolition of slavery, of serfdom, the freedom of land and property, of industry, of conscience—all had to be won by the most violent struggles.

The law can renew its youth only by breaking with its own past. A concrete legal right or principle of the law, simply because it has come

*Chief Judge, Fifth Circuit.

into existence, is a child lifting its arm against its own mother. It despises the idea of law when it appeals to that idea, for the idea of the law is an eternal becoming; and, as it has become, it must yield to a new beginning. Thus the historical development of law presents us with the picture of research, struggles, fights—of toilsome, wearying endeavor cast into the chaotic whirl of human aims, ideas, and interests. The law has forever to feel and see in order to find the right way, and when it has found it, to overthrow the obstacles which would impede its course. We have had all kinds of struggles, and the basis, purpose and reason for all these struggles was the outcome of them, law.

Nobody runs for a political office without the political results giving the person who succeeds the power to make laws, and that's the whole purpose of it. We don't know enough about that in this country. We don't realize it enough. We don't realize that an election, with all its fanfare, drumbeating, viewing with alarm, and lifting up with praise, is to put persons into the seats of the mighty, to make the laws we live by. The struggle for law has long been going on, and we have made some great struggles and, I think, some great triumphs through the legislatures, and also through the courts.

The thing that has made the great difference, and is going to continue to make the great difference, between lawyers of years ago and now is procedure. When I was a boy in college I never paid much attention to procedure. I thought the substance of the law was the important thing. But I have lived to see the operation of procedural devices make a complete change not only in the character of the profession and of the practice but of the judges themselves. The first great procedural reform in 1912, in the Equity Rules, made a tremendous change. In our system in Texas, where we had the blended system, you hardly knew equity when you saw it. But, we did have to get into federal court. When those Equity Rules came down it was a tremendous advance. Equity became as easy as, or better than, the law to practice, because we were still practicing in federal court under the Conformity Act, conforming to the state practice.

However, as Wigmore said in 1915, "there is the rule and the man, but the man is more important than the rule. All the rules in the world will not improve your justice unless the bar and the court which is administering the justice improve with it." When law was a contention between two adversaries, one a "free booter" and the other, maybe, a "lamb"—one calling the other a poor little ignorant youngster—it was an unequal contest, and justice suffered. But, with our new rules, lawyering, as well as judging, has become a different business.

When I first became a judge we didn't have pre-trial. We couldn't make people get to the issue; but under the present rules in the federal courts and most state courts, it is an entirely different story. Under the present rules the judge has been converted into something more than the mere moderator of the trial, to sit there and keep the lawyers from fighting. He has become the organizer, the director of the trial, as he should be.

These rules haven't hurt a good lawyer at all; they've helped him. They have given him tremendous tools with which to work when he can't get anywhere. These rules and this idea, that the trial of cases now is a matter of public justice, have not had the effect some people think. You must still outsmart your opponent. You must figure out some way to discover him, to unmask him, to pre-trial him, to summary judgment him, and to push these rules to the point where development of a trial between good lawyers is a joy to watch and a pleasure to participate in.

A century ago there were thousands of suits filed in Mississippi. The lawyer was the great man and, although a party lost everything he had, all he thought about was the law suit and the lawyer. It is true the lawyers had good times back then, but we are in an infinitely better time for the growth of the law today. The great difference between the practice of law then and now is that all of us who participate in it now are given tools to work with, and the morale which comes from knowing that you are not doing something strange or peculiar. Today, the judge has the right to tell the advocates: "Let's come down to business, let's get this case pre-tried, and let's get it in shape." We are all business men. We have more business than we can do. Let's do it right.

God bless you Mississippians.

Mr. John C. Satterfield of Jackson presented the Report of the State Delegate and Member of the Board of Governors of the American Bar Association.

Mr. Hugh V. Wall of Brookhaven made a motion from the floor that the Convention endorse the speech given by Senator James Eastland before the Congress of the United States censuring the Supreme Court's Segregation Decision. The resolution was adopted by the Convention.

Mr. Richard E. Stratton, III, of Brookhaven presented the Report of the Resolutions Committee. Upon motion and second the report was adopted.

Mr. John C. Satterfield of Jackson was nominated by Mr. Bidwell Adam of Gulfport, and Mr. Charles D. Fair of Louisville was nomi-

nated by Mr. W. A. Strong, Jr., of Louisville for the office of President of the Bar. Mr. Satterfield was elected.

Mr. Earl L. Wingo of Hattiesburg nominated Mr. Breed Mounger of Tylertown for Vice-President and he was elected unanimously. The motion was then made that Mr. Josh Morse, III, of Poplarville be elected second Vice-President, and he was chosen by acclamation.

The Convention then chose the site of its 1956 meeting as Jackson, with the power delegated to the Commissioners to select the hotel headquarters.

The elections of Commissioners by the individual groups from each district showed the following results:

District 1—Douglas Shands, Tupelo
District 2—William G. Hewes, Gulfport
District 3—Leslie Darden, New Albany
District 4—William C. Keady, Greenville
District 5—A. M. Carothers, Grenada
District 6—Joseph E. Brown, Natchez
District 7—Erskine W. Wells, Jackson
District 8—Herman Alford, Philadelphia
District 9—Burkette Martin, Vicksburg
District 10—Thomas D. Bordeaux, Meridian
District 11—Ben M. Caldwell, Marks
District 12—M. M. Roberts, Hattiesburg
District 13—Martin Mooney, Collins
District 14—L. S. McClaren, McComb
District 15—Roy J. Goss, Columbia
District 16—W. H. Jolly, Columbus
District 17—Herbert M. Fant, Sardis
District 18—Jack Deavours, Laurel

The Fiftieth Annual Meeting of the Mississippi State Bar then adjourned sine die.

PROCEEDINGS OF THE NINETEENTH ANNUAL MEETING OF THE

JUNIOR BAR SECTION

Held at Biloxi, Mississippi, June 23, 1955

The Nineteenth Annual Meeting of the Junior Bar Section was called to order at 1:30 p.m., June 23, 1955, in the Edgewater Gulf Hotel, Edgewater Park, Mississippi, by Mr. Joshua M. Morse, III, President of the Junior Bar Section.

The invocation was delivered by Mr. James Finch of Hattiesburg.

An address of welcome was delivered by Mr. George E. Morse of Gulfport, and was responded to by Mr. Charles B. Henley of Jackson.

The first order of business was the consideration of the various committee reports.[1] In the absence of Mr. Clarence E. Morgan, Jr., of Kosciusko, President Morse read the Report of the Committee on Public Relations, which was adopted by the convention. The convention then adopted the Report of the Committee on Unauthorized Practice of Law, delivered by Mr. Stanford Morse, Jr., of Gulfport. The Report of the Committee on Legal Ethics was then given by Mr. Edwin P. Connolly of Laurel, and was adopted by the convention. The next Report heard by the convention was that of the joint Study Committee (Junior and Senior Bar). This report was adopted after being delivered by Mr. John K. Keyes of Collins. Mr. Charles B. Henley of Jackson delivered the Report of the Committee on Procedural Rules, which was also adopted. In the absence of Mr. Fred Witty of Greenwood, President Morse read the Report of the Committee on the By-laws of the State Bar Association. The convention adopted the resolution of this Committee that the Secretary-Treasurer was adequate as an administrative officer to maintain continuity between succeeding committees of the Bar. After adoption of the Report of the Special Committee on the Creation of a Judicial Council in the State of Mississippi by Mr. Denton Gibbes, Jr., of Laurel, the convention took a short recess.

Following the recess, the Report on the Mississippi Law Institute was given by Mr. John A. Travis, Jr., of Jackson. Mr. Arthur B. Custy of the University of Mississippi then delivered the Report of the Estate Planning Conference. The Report on Legal Aid, Inc., was delivered

[1]All committee reports will be found in Appendix A.

by Mr. William O. Carter, Jr., of Jackson, and was adopted by the convention. The convention then heard reports of progress by two informal committees established by President Morse for the purpose of better coordination between the Junior Bar Section and the State Medical Society and, also, between the Junior Bar and the State Claims Association. The convention next adopted a Resolution by the Executive Committee recognizing the faithful service of the Justices of the Supreme Court of the State of Mississippi.

The next order of business was the election of officers. The following were duly elected:

Mr. Charles B. Henley of Jackson, President

Mr. George E. Morse of Gulfport, Vice-President

Executive Committee:

John A. Travis, Jr., Central District

Charles Clark

James B. Ramsey

Donald G. Soper, Northern District

William H. Beck, Jr.

Henry K. Van Every

Joe R. King, Southern District

R. W. Heidelberg, Jr.

R. O. Arrington, Jr.

Recommended to the Senior Bar as Second Vice-President:

Joshua M. Morse, III

The Nineteenth Annual Meeting of the Junior Bar Section was then adjourned sine die.

APPENDIX A

COMMITTEE REPORTS

REPORT OF AMERICAN BAR ASSOCIATION ACTIVITIES

Mississippi went well over the top in her allotment for the American Bar Center, a beautiful building that will be, for the next year, the center of legal activities in the United States.

It should be interesting to know that two plaques have been placed in the Memorial Hall by local bars, one by the Hattiesburg Bar in honor of S. E. Travis and one by the Meridian Bar honoring R. E. Wilbourn. Other bars in the State are taking similar action toward placing memorials to outstanding members, and should be congratulated and encouraged in this fine movement.

The American Bar has been very industrious in various activities this year. Especially significant was the part it played in obtaining raises in judicial salaries.

The fine insurance program of the American Bar Assocation should also be considered by members of the Association, as well as members of the Mississippi Bar, who are prospective members of the national organization.

Mr. Phil Stone and I have been attending the meetings of the American Bar Association and have done our best to make Mississippi's contribution a creditable one. I believe the American Bar has reached its high point, and will be able to go forward even more than in the past.

REPORT OF THE BUDGET AND FINANCE COMMITTEE

After careful consideration, the Budget and Finance Committee recommends for adoption the following budget for the fiscal year, 1955-1956:

Office Expense	$ 1,700.00
Commissioners' Expense	1,000.00
Junior Bar Section	1,000.00
Annual Meeting	200.00
Committee Expense (To be allocated by the Commissioners)	2,000.00
Travel Allowance for Study Committee	350.00
National Conference on Uniform State Laws	150.00
Expenses of Delegates to Judicial Conference	200.00
Secretary's Salary	3,600.00
Expenses of Secretary to A.B.A. Convention and to Mid-Winter Conference	650.00
Contingent or Miscellaneous	150.00
Extra Office Help	2,400.00
Mississippi Law Journal	4,000.00
Dues, National Conference of Bar Presidents and National Conference of Bar Association Secretaries (A.B.A.)	50.00
President's Expense	250.00
Balance of Allocation for Board of Bar Admissions	2,303.35
Total	$20,003.35

The only item appearing for the first time is the balance of the allocation for

the Board of Bar Admissions. At the March, 1955 meeting of the Board of Commissioners, a resolution was passed allocating $4,000.00 to cover the expenditures of the Board of Bar Admissions from October 1, 1954, until the next session of the Legislature. The net expenditure against this allocation through May 15, 1955, amounted to $1,696.65, leaving the unexpended balance, set forth above, of $2,303.35.

Except for a few minor increases or decreases, the remaining items of the proposed budget are the same as the budget adopted last year. The Committee is, therefore, of the opinion that no special comment on these items is necessary.

All of our various committees, in both the Junior and Senior Bar, have worked faithfully during the past year, with great zeal and enthusiasm, on well considered plans and objectives, the result of which has been extensive and far-reaching. We trust that the proposed budget will enable this splendid work to be carried on next year, the Bar functioning to the fullest extent possible within the bounds of our limited resources.

The financial affairs of the Mississippi State Bar during the past fiscal year, which ended May 15, 1955, have been carried on in an efficient manner, all as shown by the audit prepared by Dick D. Quin & Co., Certified Public Accountants, Jackson, Mississippi. Members desiring details are urged to visit the office of our Secretary and to consult the audit at leisure.

Several important matters which were presented to the Committee were referred directly to the Commissioners for their careful consideration and recommendation.

REPORT OF COMPLAINT COMMISSIONER

This report shall first deal with the practices which result in inquiries to your Complaint Commissioner, rather than the validity of the claims (or complaints) made. If your Complaint Commissioner's experience during the past year is a proper criterion, at least three-fourths of the inquiries concerning lawyers, or complaints against them, come from a failure of the lawyer to advise his client of that which has been done. Less frequently, the inquiry comes when the lawyer both fails to do anything, and fails to advise the client why. All members of the Bar would do well to remember that the best means of promoting good public relations is by promptly attending to business, and then advising the client of progress made, or the lack of it.

Your Complaint Commissioner has submitted to the Board of Commissioners the more serious complaints, for appropriate action. Some of you may be requested to serve on committees, and it is hoped that you will assist your new Complaint Commissioner, with a full recognition that it is an unsought-after, but vitally necessary, duty.

I wish to reiterate the report of my predecessor, that one person should not be shouldered with the responsibility of handling complaints from the entire state. There should be a commissioner appointed from each Supreme Court District, or a grievance committee composed of three or more commissioners, to share the work of handling these complaints. In this way, the numerous inquiries received may be more expeditiously handled, and the interest of the entire Bar better served.

In conclusion, it is recommended to your new President that an appropriate committee make a study of these most vital matters, and that the committee recommend a workable procedure, with legislation where necessary, for the handling of complaints, for consideration at the next meeting of the Association.

REPORT OF CORPORATE AFFAIRS COMMITTEE

Your Committee determined that it should continue to analyze the provisions of the Mississippi Constitution and the general statutes dealing with the organization, management, operation, termination, liquidation, duties, responsibilities and liabilities of domestic and foreign corporations; and the qualification and domestication of foreign corporations.

As such studies progressed, your Committee further determined that improvement could be made in such constitutional and statutory provisions, which would further promote the best interests of the public of this State, the stockholders, directors, and other officers and employees of such corporations, attorneys representing individuals dealing with the corporations, and the attorneys representing such corporations.

Recognition should here be given to the meritorious statutes which have been enacted by the Mississippi Legislature dealing with the general improvement of the corporate laws since the report of the Corporate Affairs Committee to the Mississippi State Bar on June 20, 1953; and those individuals who are responsible therefor are to be commended. Among the most outstanding of the improvements which have been made is the amendment of Section 194 of the Mississippi Constitution, permitting the issuance of preferred stock without voting rights.

Based upon the suggestions heretofore received by the Corporate Affairs Committee of the Mississippi State Bar and those received by your present Committee, it is the opinion of your Committee that the best interests of the State of Mississippi, its citizens, present and future, the state officers, the corporate entities, including their officers and employees, domestic and foreign, the attorneys representing individual clients in dealing with corporations and attorneys representing corporations will be best served by a complete revision of the corporate laws of this State, prepared and bottomed, first, upon the recognition of problems and exigencies peculiarly adapted to our State, and, secondly, based upon the statutes of a state or states whose jurisprudence is founded upon principles similar to those controlling our Mississippi Courts, so that such statutes as we may select for adoption in Mississippi will have been construed by the courts of the example state or states, thus enabling an attorney to advise more definitely his client with increased certainty as to what course of action the law requires or permits.

Our industrial growth in the past and that eminently possible in the future does, we believe, further demand this revision. Adequate corporate laws, requiring fair treatment of the public by the corporations and fair treatment of the corporations by the public, and permitting flexibility of operation of corporations, will attract incorporation in Mississippi, thereby resulting in further development with added income and benefits to Mississippians.

The Committee has taken recognition of the fact that corporations, whose presence in Mississippi would have meant hundreds of thousands, if not millions, of dollars to Mississippians, refused to be incorporated in Mississippi because of our, may we say, antiquated or inadequate corporate laws. We, as attorneys, are interested in the welfare of the citizenry of this State, and the Committee believes that we can render unto them a definite service in this respect.

For the foregoing reasons, the Committee reports to the Bar Association that, rather than to seek piece-meal improvements by amending and repealing this, that, or the other statute, the most advisable method is to present a completely modernized

and coordinated system of corporate law. But, at the same time, your Committee recognizes that the completion and adoption of such revision cannot be immediately done, and that certain amendments and improvements can be made in the interim which would not conflict ultimately with the above mentioned over-all plan. Also involved is the immediate necessity for certain constitutional amendments. In view of the foregoing and the time element involved in securing or laying the necessary ground work for a constitutional amendment, immediate action should be taken on the following:

1. Amend Section 178 of the Constitution which restricts corporate existence to a maximum of ninety-nine years so as to permit a perpetual charter, thus minimizing expense and promoting certainty and efficiency in corporate affairs.

2. Amend Section 182 of the Constitution so that foreign corporations coming into Mississippi may obtain the exemptions therein mentioned from the date on which business is begun; and the amendment should be as to domestic corporations so as to make the provisions uniform as to corporations.

3. Adoption of a proper statute to authorize restated charters which would be the charters of the corporations as they stand at the time of restatement, exclusive of amendments which may have become functus officio, which would eliminate an examination of the entire charter from the time of the original charter.

4. Amend Section 5323, Code of 1942, to simplify the method of amending a charter to avoid duplication of effort.

5. Amend and clarify Section 5327, Mississippi Code of 1942, so as to clearly define the original purpose of its enactment, which was only to prohibit the purchase of corporate stock on credit.

6. Adoption of a proper statute enacting the federal statute on tax free corporate reorganizations.

Therefore, the Committee recommends that the Association adopt, approve and authorize the following:

1. Proper amendment of said Sections 178 and 182 of the Constitution, and preparation and adoption of statutes as above indicated.

2. Approve in principle and direct the preparation of a complete revision or rewriting of the corporate statutory law including any related provisions of the Mississippi Constitution on the foregoing basis as will best promote the interests of all persons affected thereby.

3. That a Committee be appointed by the newly elected President of the Association to accomplish the foregoing.

4. That such Committee be authorized to draft proper acts, looking toward the amendment of said Sections 178 and 182 of the Constitution, and to provide for the aforesaid statutory matters to accomplish the foregoing; and, upon approval of a majority of the Commissioners of this Association at a regular or special meeting of the Commissioners, that the same be forthwith presented to the Legislature of the State of Mississippi for adoption and passage as statutes and resolutions for constitutional amendments endorsed, supported and approved by the Mississippi State Bar Association.

REPORT OF JUDGES' STUDY COMMITTEE

The Committee feels that the following changes should be made in the present laws:

1. We recommend that Section 1781, Mississippi Code of 1942, be amended wherein the Judge is required to charge the Grand Jury so as to leave out obsolete charges such as "bucket shops," "selling tobacco," etc., and that the various other charges in other statutes be brought forward into this Section.

2. We recommend that Section 2358, Mississippi Code 1942, be amended so as to let the jury fix the punishment for rape at death or such time in the State Penitentiary as the jury might think proper.

3. We recommend that Section 3920, Code 1942, be amended so as to require that all District Attorneys be 25 years of age, and licensed practicing lawyers; and to require District Attorneys and County Attorneys to investigate all crimes, and in so doing, to allow them to require summons to issue to witnesses to appear before a Justice of the Peace at any time, where the testimony of such witnesses may be either mechanically recorded or taken down in writing; and that on application of a District Attorney or a County Attorney under oath, designating the place to be searched and the thing to be seized, to allow a search warrant to issue for evidence in any case where a crime has been committed or the applicant has good reason to believe a crime has been committed or is about to be committed.

4. We recommend that Chapter 245, Section 1, Laws 1954, be amended so as to give the Circuit Judge (on motion of the defendant or District Attorney) the authority to send a prisoner to Whitfield for examination, whenever it is apparent to the Circuit Judge that an examination of a defendant should be had so as to determine his sanity before he is required to be put to trial on the merits of his case, and that testimony of the doctors may be submitted to the jury on the trial of the case in determining the guilt of the defendant.

5. We recommend that Section 1475.4, Laws 1948, be amended so as to read, "But if matter which heretofore could constitute a plea be set up in the answer in such a manner as to be clearly distinct and readily separable and to go to the entire present cause of action, it may, on motion of either, or any, of the parties or by the Judge, be separately heard and disposed of before the regular term of court in vacation or before the principal trial of the cause by the Circuit Judge at a time to be fixed by fiat, in the discretion of the Court or Judge."

6. We recommend that Sections 1766 and 1770, Code 1942, be amended so as to require the Circuit Judges and the Chancery Judges of their respective Districts to enter a joint order to be placed upon the minutes of the Circuit Court and the Chancery Court appointing three (3) Jury Commissioners in each County, who will meet in December of the year of their appointment, and who will select jurors in the manner heretofore selected by the Board of Supervisors, and who will serve one year.

7. We recommend that all meals and lodging, either in civil or criminal cases, of the jury in the trial of a case be paid by the County, and in the discretion of the Court.

8. We recommend that Sections 2250 and 2252, Code 1942, make the crime a felony when the subject of the taking is over $25.00 in value.

9. We recommend that Section 1636, Code of 1942, be amended so as to permit the use of recording machines by the Court Reporter, and to permit the purchase of such machines by the Court, the cost to be allocated to each County in the District according to the terms of Court held in each County.

10. We recommend that where necessary, in the discretion of the Judge, a stenographer shall take the testimony in the Grand Jury room, the record of such testimony to be filed with the District Attorney. This will reduce perjury in criminal cases to a minimum, and will be invaluable to District Attorneys in trying cases where the defendant is apprehended long after the commission of the crime.

11. We recommend that Section 2514 of the Code of 1942 be amended by providing that in cases not capital, severance may be granted in the discretion of the Court.

12. We recommend that Section 1519, Laws 1948, be amended to permit the hearing of all demurrers and motions in vacation at a time to be fixed by fiat of the Judge, and that the Judge may render judgment thereon in vacation.

13. We recommend that a statute be enacted providing for the appointment of an attorney to represent each defendant in felony cases less than capital, where the defendant is unable to employ an attorney, such attorney to be paid a small fee by the County upon allowance by the Court. This recommendation is made in view of the recent decisions of the United States Supreme Court.

14. We recommend that a statute be passed authorizing the payment of witness fees and mileage to not exceeding five witnesses for the defendant in all criminal cases, where affidavit is made that defendant is unable to pay such fees, and upon the order of the Court first obtained.

15. We recommend that the Legislature review the law on jury instructions.

16. We recommend that Sections 1764 and 1765 be amended so as to raise personal exemption from 60 to 70 years of age, in view of the fact that a great many useful men are now retiring at 60 and are available for jury duty.

REPORT ON THE JUDICIAL CONFERENCE

The Judicial Conference for the Fifth Circuit was held in New Orleans on May 25th and 26th. There were present at that conference all of the Judges of the Fifth Circuit Court of Appeals and practically every District Judge in the states composing this circuit. Also present were the lawyers who were appointed as delegates to this convention by their respective bar associations. The meeting was called to order by Chief Judge Joseph Hutcheson. I have never seen such informality, and such tremendous work as was done in two days time.

The first report received by the conference was the report of a committee on legislation affecting the District Courts and the District Judges. That was a committee of seven—our own Mississippians, Judge Ben Cameron and Judge Mize were members—and there were a lot of laws and contemplated legislation brought to the attention of the conference by that committee.

I made note of a few of the legislative problems that were discussed and approved by the conference. There was a bill to appoint a roster of retired Judges who would be designated as senior Judges to be sent out by the Chief Justice of the United States to the different Districts where they were requested. These Judges

would relieve the work load in the field where they were particularly adapted.

There was a law discussed that would permit the Federal Judges to appoint counsel for indigent defendants, and which allowed fees to the lawyer or lawyers so appointed.

There is a bill under consideration whereby the President would be allowed to appoint additional District Judges where the office is held by a Judge who is disabled but who has not retired. That would relieve a situation in a lot of Districts that would be to the interest of the bench and bar.

There is a bill that is pending and under consideration that would limit federal jurisdiction in matters of habeas corpus where the defendant had been convicted in the state courts. I think this bill is a wise one and will eliminate a lot of the friction that is now existing between the jurisdictions of the Federal Courts and the State Courts.

There is a bill also pending that would enlarge the discretionary power of the District Judges concerning the situation of where a sentence of longer than one year is imposed, the District Judge being permitted to confine the defendant in a "jail-type" institution for six months, and then to permit him to have parole the remainder of his sentence. That is a departure from the present procedure and would, I think, give the District Judge proper discretion.

There were many other problems discussed, but I will not go into them. From the volume of reports made by this committee you can see that the District Courts are active in trying to improve federal jurisdiction from every point of view.

The first day of the conference was devoted entirely to the program of the Judges, and the conference itself resolved that day into what, you might say, was the Judges' part of the program.

The second day was the lawyers' part of the convention. In the first day's session the principal topic of the afternoon was the place the District Courts hold in tax litigation. The defendant's or taxpayer's viewpoint was presented by Mr. Randolph W. Thrower of Atlanta. He emphasized the fact that the District Courts were in a better position to fairly adjudicate the tax problem, where they had no part in the imposition of the tax under litigation. In reply to this viewpoint, Mr. Andrew D. Sharp, head of the Trial Section of the Tax Division of the U. S. Department of Justice, was on the program, and clearly presented the government's point of view. Naturally, he was inclined toward the view that a court composed of tax experts would be in better position to reach a fair and just conclusion.

After the comments of these two gentlemen, Judge Seaborn Lynn of Birmingham, Alabama, discussed the problem from the Judge's point of view. I might say that he was a little critical of the government's position in these tax litigation cases in two main respects. First, that the government representative invariably delayed the procedure by asking further time in which to reply to the suit filed by the taxpayer. Secondly, that the Department sent out representatives from Washington without clothing them with proper authority to agree to a settlement or to discuss a settlement with any finality, and that they invariably had to refer back to Washington before any accomplishment could be made in pre-trial conferences. Mr. Sharp attempted to answer these charges, but I think the consensus was that the government could do a lot to speed up these tax litigations.

The next day many of the federal rules were discussed in detail by the various lawyers. I think that the outcome of discussions of this type is highly beneficial in that the Judges in the different Districts are handling these problems in different manners, and the exchange of the views of these Judges and lawyers in these Districts is certainly beneficial to federal jurisdiction.

The convention adjourned by attending a banquet given by the New Orleans Bar Association in the New Orleans Club that night. I am personally happy that I had the privilege of representing this Bar Association. It is one of the finest conferences that I have ever been privileged to attend; and I certainly think that it would be a worthwhile experience to any member who might be lucky enough to be sent there as a delegate.

REPORT OF THE JUNIOR BAR SECTION

The population of the State of Mississippi is primarily concentrated in the country and the small towns. The Executive Committee of the Junior Bar Section of the State has this year attempted to concentrate its efforts along lines designed primarily to promote the interest of the majority of the members of the Mississippi Junior Bar Section.

More than members of the bars of more populous areas, the small town lawyer is concerned with trial practice; hence the general program of the Junior Bar Section this year has been aimed at improving in all respects the administration of justice in the trial courts of the State. We have sought to coordinate the work of the committees along these lines, even in the field of public relations. Bi-monthly meetings of the Executive Committee have been planned and held to better facilitate this objective. At these meetings all committee chairmen have been in attendance so that the work could be coordinated and duplication avoided.

It was felt by members of the Executive Committee that by concentrating on this one objective for this year the objective sought could be reached.

It was felt also by the Executive Committee at the last meeting that the Junior Bar Section and the entire State Bar Association have been handicapped in their efforts toward accomplishing any goal by a lack of continuity in the membership of the governing body. In accordance with the recommendations of the Executive Committee a committee on revision of the by-laws has been appointed with the primary goal of seeking by some method to promote continuity in the membership of the governing body of the State Bar either by the creation of a Board of Governors or some similar body with staggered terms or by the creation of the office of a Coordinator or Executive Secretary.

I. Committee on Public Relations and Information.

1. Publicity. In order to give publicity to the activities of the State Bar Association which would promote good public relations, the Section organized a team of press agents throughout the State, and a newspaper advertisement was run in approximately fifty weekly newspapers in all areas of the State setting out the requirements of admission of the State Bar, the constant supervision of the Bar Association over the ethics of its members, and recommending that every person consult their family lawyer in time of trouble.

In addition, seven newspaper columns on subjects of interest to laymen were

prepared, which were disseminated to weekly papers through a mat service which sends out material to be used by County papers as filler material.

2. Radio and Television. Tape recordings were made of radio programs on matters of interest to the general public and these recordings were made available to the local bar associations. Such recordings can be used either by replaying the same or by using the record as a guide for the local bar association in preparing a similar program.

In addition, two film strips, one ten minutes in length and the other thirteen minutes in length, were purchased jointly by the combined Junior and Senior Bar Committees and placed in the film library of the State Department of Education. These films are "Basic Court Procedures" and "The Supreme Court."

3. Speakers Bureau. A list of speakers has been compiled, and outlines have been prepared of speeches on subjects of interest to the public, such as contracts, real estate titles, wills, the court and jury system of Mississippi. These outlines have been sent to all the organized county bar associations and to interested attorneys in counties not having an organized association.

4. Public Relations and its Effect on Practice and Procedure. The primary objective of the committee this year has been the preparation of a handbook for prospective jurors which has been prepared under the leadership of Clarence E. Morgan, Jr. This handbook, outlining a jury trial in Mississippi, has been completed, and will be distributed to every prospective juror in the State. The handbook deals with the rights and duties of the jurors, advising them of the court procedure and what to expect when called for jury service. It stresses the importance of jury service, which is practically the only opportunity that the average citizen has to take a part in the judicial process of this State. The committee feels that this accomplishment is the outstanding achievement of the committee for this year.

II. Committee on Unauthorized Practice of Law.

The committee has found that the chief offenders in the unauthorized practice of law are locally elected officials such as Justices of the Peace and, primarily, chancery clerks. Also there are accountants, real estate agents, and bankers. The committee has contacted the Judges of the Chancery Courts of this State and requested that by order spread on their minutes that the clerks be ordered to refrain from writing bills of sale, deeds of conveyance, deeds of trust, mortgages, contracts, or other instruments which should be prepared by attorneys. The committee has also obtained an opinion from the Attorney General of the State, with respect to this matter, to the effect that such actions by any person not licensed to practice law are unlawful.

The committee has had one complaint in regard to a non-resident of the State of Mississippi who was admitted to practice by the Chancery Court of Harrison County. On investigation the committee felt that the petition for admission was not sufficient and that the Court did not have jurisdiction to grant the petition. This complaint has been turned over to the Complaint Commissioner of the State Bar Association for action.

III. Study Committee

The Study Committee, in conjunction with the Study Committee of the State Bar Association, has drafted a number of bills to be submitted to the State Legislature when it convenes. These bills primarily are to clarify existing ambiguous statutes, although four of them have to do with increasing the scope of discovery

and deposition practice in the trial courts. The work of this committee has been extremely important and the bills are so voluminous that they cannot be referred to other than by number in this report.

IV. Legislative Committee.

The Legislative Committee has been in close contact with the Study Committee, and at the last session of the Legislature endeavored to promote passage of those bills recommended by the Study Committee. The Bill drafted by the Committee on adoption was enacted by the Legislature with practically no alteration. This Bill clarifies the inheritance obligations created by the old Bill.

V. Committee on Procedural Rules.

At the last meeting of the Executive Committee a report was given by the Committee on Procedural Rules advocating the creation of a Judicial Council, or similar body, to promulgate rules of practice and procedure in the courts of the State of Mississippi. It was hoped that the existing statutes and constitutional provisions would be broad enough to allow this action without legislative action. However, on investigation it was the opinion of the committee that a legislative grant of authority would be advisable before this action could be taken. Accordingly, this committee has drafted a proposed bill which will be submitted to the Legislature to carry out the recommendations made in its oral report. The committee has performed an outstanding job and has exhausted every possibility under the statutes of the State as they now stand. While the report is negative in character, it was felt that the tedious investigation and briefing of authorities which was done was necessary before legislative action could be requested.

VI. Committee on Practice and Procedure.

The Committee on Practice and Procedure has drafted several bills in regard to the Counterclaim Statute in this State, the Joint Tort-Feasors Statute, and the Mississippi Civil Procedure Act of 1948. It is hoped that these bills will clear up the ambiguity thought to be present in the existing Statutes.

VII. Committee on Legal Ethics.

The Committee on Ethics has sought by publicity in the State Bar Journal to clarify the provisions of the Canons of Ethics, and to call them to the attention of the Bar Association, so that violations could be more readily dealt with. The committee has no authority to act on violations, as this power is reserved to the Board of Commissioners of the State Bar Association. However, all complaints received have been promptly forwarded to the State Bar Association for action.

VIII. Committee on Liaison Between Insurance Claimsmen and the Bar Association.

This committee was only created at the November meeting of the Executive Committee. Its purpose is to promote better public relations between the insurance adjusters of this State and the State Bar Associaion. Working in conjunction with a group of adjusters the committee has drawn a statement of principles which will be binding on both the Bar Association and the State Association of Claimsmen, so as to limit each profession to its particular field, and to promote better public relaions between the Bar Association and the insurance industry. The Claimsmen adopted the statement of principles, which were referred to the Junior Bar Committee for further study.

IX. Committee on Liaison Between the State Medical Society and the State Bar Association.

This committee was created at the August meeting of the Executive Council and made a preliminary report at the last meeting of the Executive Committee. It was reported that contact had been made between the Chairman and the Executive Secretary of the State Medical Association. It is hoped that by this committee the members of the Medical Association can be made to understand their duties in regard to litigated cases and in regard to injured persons. Complaints have been made to the committee regarding the unauthorized disclosure by members of the medical profession of information regarding treatment of personal injury victims. It is hoped that this committee can eliminate this practice and promote better public relations between the two professions. This Committee worked with the State Medical Society in opposing the tax measure on gross attorneys' earnings.

X. Committee on Revision of the Bar Association By-laws.

It was felt by the Executive Committee that the Bar Association and the Section have been handicapped in the past due to a lack of continuity in the members of the governing and policy-making bodies of the two groups. This committee is attempting to revise the by-laws in such a manner that the terms of office of the members will be staggered so that continuity of action and thought can better be preserved, so that the work of each succeeding group can be coordinated with that of its predecessors so that valuable effort and progress will not be lost.

XI. Law Institute Committee.

This committee, working with the University of Mississippi and the Jackson Junior Bar Association, prepared the Law Institute program which was presented in Jackson on December 3rd and 4th. The committee has done an extremely able job, and the program of continuing legal education is of the utmost value to newly graduated students, as well as practicing lawyers.

This was the Tenth Annual Mississippi Law Institute program presented, and each session has seen its attendance increased. The Institute is self-supporting and its program is paid for by the fees paid by attending lawyers and other interested parties.

XII. Committee on Judicial Council.

This committee was created at the last meeting of the Executive Council, where work of the Louisiana Judicial Council was outlined by Mr. George Pugh, Administrator of the Louisiana court system. The purpose of the committee is to investigate the existing Judicial Councils, or similar bodies, and to formulate plans for the creation of a similar body in the State of Mississippi. The report was referred to a committee to be submitted to the Council of Circuit Judges at their next annual meeting for their action and recommendations.

XIII. Committee on Local and District Bar Associations.

This committee was also created at the last session of the Executive Committee and is primarily concerned with the creation of district bar associations within the territorial boundaries of the existing Circuit Court Districts. Plans have been made to contact the Council of Circuit Judges at their meeting in January of 1956, and detail plans for the creating of district bar associations with uniform rules and by-laws.

XIV. Committee on Legal Aid.

This committee has studied the formation of a legal aid society covering the entire State, and is of the opinion that such a system would be of benefit to the Bar as well as the general public.

REPORT OF THE MEMORIAL COMMITTEE

In response to an invitation from the Supreme Court of our State, and in accordance with the annual and hallowed custom of our Bar, your Committee met in Jackson on Monday, September 13, 1954, and there, together with the members of the Supreme Court, conducted memorial services in honor of our brethren who had passed away since the last service.

Appropriate resolutions expressing the great sorrow of this Bar over the loss of such distinguished lawyers were prepared and, after being read, were ordered placed on the minutes of the Supreme Court and the Mississippi State Bar.

The Chairman of your Committee then paid a brief eulogy to the outstanding contributions and examples of our departed friends to which Justice W. N. Ethridge made a beautiful and moving response on behalf of the Supreme Court.

The memorial services were concluded by delivering copies of the resolutions, attractively printed, to the attending families of the deceased. Copies were also mailed to those who were not in attendance.

In concluding, your Committee gratefully acknowledges the splendid assistance rendered to it by Mrs. Alice Nevels, Secretary-Treasurer of the Bar.

REPORT OF THE EDITORIAL BOARD OF THE MISSISSIPPI LAW JOURNAL

General

The publication of the October, 1955, issue of the *Mississippi Law Journal* will mark the completion of the twenty-sixth volume and the *Journal* will then commence its twenty-seventh year of uninterrupted publication. At the present time the *Journal* publishes four issues annually and has a circulation of approximately 2300 copies per issue. Except for numerous isolated purchasers, our subscribers include members of the Mississippi State Bar, students of the University of Mississippi School of Law, and libraries throughout the United States and the rest of the world. At present the international subscribers include individuals and institutions in England, Saudi Arabia, South Africa, Argentina, Australia, Belgium, Canada, Germany, Mexico, the Philippine Islands, Puerto Rico, and Hawaii. The subscription rate is $4.00 per annum, and separate copies may be purchased for $1.50.

Buildings and Facilities

The publication headquarters of the *Mississippi Law Journal* is located at the University of Mississippi in a recently remodeled brick structure immediately adjacent to the law building. Our *Journal* has the distinction of being one of the very few, if not the only, law journals in the nation maintaining a private building of its own. This building, incidentally, has quite an historic past. It was originally constructed for use as a magnetic observatory prior to the War Between the States, and was oc-

cupied alternately by the Confederate and Union armies during the course of the war, being used primarily as a morgue.

The building contains an editorial and business office, a reception room, and three work rooms for the staff members. The building is comfortably furnished and contains sufficient desk space for each staff member. One room also contains shelf space for storing back issues of the *Journal*. In addition, the *Journal* has a library containing the *Southern Reporter,* the *Supreme Court Reports,* the *Mississippi and Southern Digest,* and the *Mississippi Code*. As a result of the efforts of Dean Robert J. Farley and Mr. Arthur B. Custy, our Faculty Advisor, the cost of the *Journal* library and the cost of the maintenance of the building are borne by the University and the School of Law without expense to the *Journal*.

Personnel

Each issue of the *Mississippi Law Journal* is edited by a student editor with the help of an editorial board, which is composed of students in the School of Law. At the present time the board is composed of nineteen students who have been selected by the faculty on the basis of scholarship, achievement, and editorial ability. All work is done under the supervision of our Faculty Advisor, who is in turn responsible to the Dean of the School of Law.

Membership on the *Journal* staff carries with it no financial compensation. Upon the satisfactory completion of all assigned work a staff member receives two hours academic credit and an engraved certificate of service.

Southern Law Review Conference

The Ninth Annual Southern Law Review Conference was held at Emory University in Atlanta, Georgia, on April 29th and 30th. Mr. Arthur B. Custy, our Faculty Advisor, was Chairman of the Conference, which was well attended and extremely successful. The *Mississippi Law Journal* sent an eight man delegation, including Mr. John H. Fox, Jr., Professor of Law, University of Mississippi, who delivered the closing address.

At the Conference the members of the *Journal* learned many helpful hints that will enable us to put out a better publication in the future. By the organized discussion of mutual problems at the Southern Law Review Conferences, the caliber of the journals in this region has improved considerably. We are proud that the *Mississippi Law Journal* and the faculty of the School of Law have maintained a position of high interest and leadership in the Conference.

Future Plans

The future plans of the *Mississippi Law Journal* are primarily focused upon improvement of the quality and content of the *Journal,* and a creation of greater interest in the *Journal* by its readers. The staff arrangement of the *Journal* is being altered in order to reduce errors and shortcomings which have previously hampered the quality of it somewhat, and, at the same time, to produce a more efficiently run organization. The principal change is the formation of a special Editorial Advisory Board to be composed of approximately six students who will not only aid the editor in the planning of future issues, but will each be so educated to the duties and operation of the *Journal* as to be able to take over as editor at a moment's notice. By the use of this Editorial Advisory Board it is expected that not only will the caliber of each issue improve, but that there will be more uniformity and continuity in the issues from year to year.

Due to the extreme success of the symposium on Writs in Mississippi, which form-

ed the December issue of 1952, it has been decided to devote an issue in the near future to a symposium on some subject of general interest in Mississippi.

The Journal and the Bar

The *Mississippi Law Journal* is the official publication of the Mississippi State Bar, and its primary purpose is to serve the Bar and its members by presenting material which will be of particular interest and help to the Mississippi lawyer. The editorial board solicits, and will be grateful for, any suggestions, comments, or criticisms from the Bar in regard to the publication of the *Journal*. The members of the Bar are encouraged to submit desirable subjects on which leading articles or student writings may be procured and published. Particularly do we invite each member to write and submit for our consideration material for publication in the *Journal*. It is your publication and we hope you will aid us in making it more beneficial to the Mississippi lawyer.

EXHIBIT "A" TO THE LAW JOURNAL REPORT

FINANCIAL REPORT OF THE MISSISSIPPI LAW JOURNAL

June 1, 1954-May 31, 1955

Receipts

Balance Remaining from 1953-54 Bar Appropriation	$0000.00
Balance in Bank, May 31, 1954	2192.05
Appropriation, Mississippi State Bar	4000.00
Sale of Subscriptions	425.40
Sale of Back Issues	138.95
Sale of Reprints	79.00
Sale of Advertising	770.00
Sale of Index	17.00
Law School Student Assessment	578.00
Total Receipts	$8200.40

Disbursements

Printing:		
Volume XXV, No. 4	$1256.02	
Volume XXVI, No. 1	1296.43	
Volume XXVI, No. 2	1203.80	
Volume XXVI, No. 3	872.30	
Total Printing		$4628.55
Postage and Box Rent		165.00
Stationery and Office Supplies		139.91
Telephone Expense		204.70
Addressograph Expense—Mailing List		103.13
Page in Yearbook		50.00
Refund on Over Payment by Mississippi State Bar		512.95
Bar Convention Expense		84.33
Purchase of Back Issues		7.66
Cost of Reprints		75.80
Miscellaneous Expenses		131.48
Total Disbursements		$6103.51
Cash on Hand, May 31, 1955		2096.89
		$8200.40

EXHIBIT "B" TO THE LAW JOURNAL REPORT

PROPOSED BUDGET FOR THE MISSISSIPPI LAW JOURNAL

Receipts

Balance in Bank, May 31, 1955	$2096.89
Appropriation, Mississippi State Bar	4000.00
Special Appropriation for Reprinting Back Issues	500.00
Sale of Subscriptions	400.00
Sale of Back Issues	150.00
Sale of Advertising	1000.00
Law School Student Assessment	240.00
Miscellaneous Income	25.00
Total Receipts	$8411.89

Disbursements

Printing:		
Volume XXVI, No. 4	$1300.00	
Volume XXVII, No. 1	1300.00	
Volume XXVII, No. 2	1300.00	
Volume XXVII, No. 3	1300.00	
Total Printing		$5200.00
*Repay University Balance on Index Account		736.12
**Reprint Back Issue		1300.00
Postage and Box Rent		170.00
Stationery and Office Supplies		160.00
Telephone Expense		185.00
Addressograph Expense — Mailing List		200.00
Page in Yearbook		50.00
Miscellaneous Expenses		50.77
Total Disbursements		$8051.89
Cash on Hand, May 31, 1956 (Estimated)		360.00
		$8411.89

REPORT OF PROCEDURAL REFORM COMMITTEE

Your Committee respectfully submits the enclosed Bill† for consideration of the Mississippi State Bar, recommends its approval and its submission to the Legislature at its regular, 1956, session.

It will be noted that this is exactly the same Bill that has already been approved by the Mississippi State Bar several times and to the approval of which at the 1952 Annual Meeting there was only one dissenting vote.

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*Payment of balance due the University on loan to cover cost of printing Index to Volumes I-XX.

**Bids have been sent out for reprinting Volume I.

The objection has been raised that this Bill is an attempt to infringe on the power of the Legislature. It is obvious that such contention is not correct because Section 3 of the proposed Bill provides that no rules submitted shall take effect until the Legislature has power to amend any rule, to enact new rules and to reject any and all rules.

It will also be noted that Section 4 provides for representation on the Judicial Council of trial judges, practicing lawyers and laymen, and that the terms of the various members are staggered so that we shall never have an entirely new membership on such Judicial Council.

Another objection that has been made to the Bill in the past is that it is simply an attempt to slip over on the lawyers of Mississippi the Federal Rules of Civil Procedure. This is not correct for two reasons.

The first reason is that any rule which may be formulated will first be formulated by the proposed Judicial Council. On that Council will be nine (9) practicing lawyers. In addition to that, all proposed rules must be approved by the Supreme Court of Mississippi. Further, any and all rules formulated will be submitted to the Legislature.

Second, it is recognized by your Committee that, while some of the Federal Rules of Civil Procedure will be helpful in the practice in our state courts, not all of them are adaptable to our state practice. In fact, your Chairman is opposed, and will be opposed, to any attempt to submit the Federal Rules of Civil Procedure as they now stand, as the rules for practice in our state courts.

What has been said in the paragraph immediately above is not intended to minimize the value of the Federal Rules of Civil Procedure at all. The situation is simply that, as a practical matter, a number of states, including Colorado, have found that it was simply not practical to adopt entirely the Federal Rules of Civil Procedure. They just simply won't fit the local situation in every state. This has been the almost uniform experience of the various states.

†Editor's Note: A copy of the Bill herein mentioned may be found in 20 Miss. L. J. 508 (1949). Several material changes have been made thereto. The Advisory Committee is to consist of twenty-one (21) members rather than the original twenty (20). Subsection (3) of Section Four is to be deleted and the following inserted:

> "Six (6) representative citizens of the State, not members of the Bar, who are to be selected and appointed by the Governor. Vacancies among the members shall be filled by those authorized to make appointment in the particular group in which the vacancy occurs, such appointment to be a vacancy for the unexpired term. Two (2) members of the first group are to be appointed for a term of two years, two members are to appointed for a term of four years and two members are to be appointed for a term of six years. Of the second group, three members, one from each Supreme Court district of the state, shall be appointed for a term of two years; three shall be appointed, one from each Supreme Court district, for a term of four years; and three shall be appointed, one from each Supreme Court district, for a term of six years. Of the third group, two shall be appointed for a term of two years, two shall be appointed for a term of four years and two shall be appointed for a term of six years. All appointments made for a full term thereafter shall be made for a term of six years."

REPORT OF PUBLIC RELATIONS COMMITTEE

Surveys of the general public by several state bar associations lately have turned up some rather distressing facts concerning the layman's idea of the legal profession. For example, the State Bar of Iowa discovered these facts:

1. Only 40% of the people questioned could name something they liked about lawyers.
2. Many more people could give the name of a doctor or dentist in their community than they could that of a lawyer.
3. More people thought the lawyer's charges were excessive than thought the doctor's or dentist's charges were excessive.
4. Only half the people had ever hired an attorney but of this half 95% were satisfied with the service, and 75% said they would hire the same attorney again although 20% said they were charged too much.
5. Only half the people had ever been in a court, 84% of this half liked the way the judge handled the court, 72% understood most of the proceedings but one out of three said the proceedings were too long.
6. Four out of every ten persons questioned would settle a suit for half rather than go to court.
7. Delay was the most serious objection to lawyers and courts, and 30% of the people had "no idea" as to the educational requirements for a lawyer.
8. On the other hand, two out of every three approved of their son studying law.

The Michigan Bar found that lawyers made a poor showing when compared with doctors, that 68% of the people would settle rather than go to court, and that 86% did not know there was any organization to enforce proper conduct by lawyers. The Michigan poll concluded with these words: "There is a general climate of opinion which is unfavorable to lawyers."

These facts may be distressing but they are probably no shock. We are all aware of the increasing criticism of the legal profession and the Committee, of which this is the Report, is dedicated to the task of improving these public relations. The average man must be made aware of the true meaning and significance of law, courts and lawyers. He knows what it is to save life and health, and practically worships the medical profession for preserving them for himself and his loved ones. But he just does not understand the almost incalculable service of the lawyer in making not only life, but the good free life, possible.

In a few words, that is the task that confronts all of us. Now, what have we done about it this year?

I will readily admit that we have not done all that should be done and all that I hope will be done in the future. Our activity this year was basically the same as last year. Our work has taken several forms. The President of the Association appointed a public relations chairman for each county in the state. Our work has been directed through these men.

We have urged that local attorneys make talks before civic clubs and similar groups. This Committee prepared outlines for four such talks and mailed these outlines to a number of the county chairmen on request. It is impossible to ascertain

how many of these talks were made, but I would estimate a minimum of one hundred.

The State Bar a year ago purchased four films from a commercial producer dealing with legal subjects. These films were given to the State Department of Education and are distributed through that organization on a regular basis to schools all over the state. These films have been shown approximately fifty times.

The State Bar a year ago purchased two films produced by bar associations in other states for this specific purpose. Both are excellent films designed for adult groups. They portray the role of the attorney in society. We are frankly disappointed that members of the Bar have not seen fit to schedule these films for their local community. They have been shown a number of times but they should be in constant use. It is our hope that the incoming Committee will exert a strenuous effort toward this end.

We have again worked on radio and television programming. Several communities in the state through efforts of the local bar at periods during the year put on radio programs on a regular basis. The Junior Bar at Jackson sponsored a television program for part of the year until it ran into trouble getting a satisfactory time. These programs were extremely well received and we plan to get them back on the air.

We spent money this year on a new project to benefit public relations indirectly. I speak now of our sponsorship with other groups of a Traffic Court Conference. Statistics show that the overwhelming majority of the public has its first contact with our judicial system in a traffic court. There is no need to elaborate on what sort of impression the public is likely to get. The conference is designed specifically to educate the men who run these courts (particularly the Justices of Peace) as to proper procedure. The conference which was held at the University on February 28th and March 1st was well attended for the first of its kind, and I am particularly happy to report that a sprinkling of J. P.'s from all over the State attended. We strongly recommend the continuance and enlargement of this conference.

We had published this year a number of copies of a pamphlet dealing with the duties and work of attorneys and courts. These were distributed all over the state. We have recently received samples of a group of pamphlets published by the California Bar dealing with a variety of subjects. We recommend that the incoming Committee investigate this possibility further.

A hundred years ago the attorney was the most respected man in his community. Today he isn't. We either can and will or can't and won't do anything about it. It is my opinion that we should do something about it.

REPORT OF RESOLUTIONS COMMITTEE

RESOLUTION

WHEREAS, the proper management of the national debt is one of the most difficult problems of government today, and

WHEREAS, the sale of U. S. Savings Bonds to the masses of people is a vital phase of debt management, and

WHEREAS, the program is designed to help stabilize the economy of the Nation, and

WHEREAS, on December 23, 1954, the United States Treasury Department in

the Fourth Amendment to Department Circular Number 530, Regulations Governing U. S. Savings Bonds, made Savings Bonds of the E and H Series eligible for personal trust estates; that is, ". . . trusts established by natural persons in their own right, for the benefit of themselves or other such individuals . . . ," with a limit of $20,000 of each series or $40,000 combined (maturity value) per annum for a single trust estate, and

WHEREAS, this body is deeply concerned about the economic welfare of this Nation and the stabilization of the dollar,

NOW, THEREFORE, be it resolved that the Mississippi State Bar lend its endorsement and support to the United States Treasury Department in the sale of U. S. Savings Bonds to the people, and be it further recommended that Bonds of the E and H Series be considered for personal trust estates on the basis of their yield, safety and convenience.

RESOLUTION

WHEREAS, the Judicial Conference of the United States, in its meeting held in Washington, D. C., in September, 1954, strongly recommended the creation of one additional Judgeship for the United States District Court for the Southern District of Mississippi, and

WHEREAS, the members of the Mississippi State Bar have, for a long time, been deeply concerned as to the congestion of the dockets of this District Court, notwithstanding the tremendous efforts being exerted by the present Judge of the District, and

WHEREAS, the quarterly report of the Director of the Administrative Office of the U. S. Courts for the third quarter of the present fiscal year, received May 23, 1955, shows that as of March 1, 1955, there were pending more cases in said District than are pending per Judge in any other District in the entire United States, except one, and

WHEREAS, the Mississippi State Bar sees in this condition not only an unbearable burden placed upon the Judge of this District but also a situation that is highly detrimental to the people, and particularly the litigants of the District, in that there is long delay and great difficulty in getting cases up for trial, with the result that the orderly administration of justice and adjudication of rights are seriously hampered and probably in many instances virtually defeated,

BE IT THEREFORE RESOLVED BY THE MISSISSIPPI STATE BAR, in meeting properly called and duly constituted:

(a) That such Judgeship should be created;

(b) That the President and Secretary of the Association deliver a copy of this Resolution to each of the United States Senators and all of the Congressmen from the State of Mississippi with the urgent request that they exert every effort possible to see that the Bill presently pending in Congress for the creation of an additional Judgeship for said District is speedily enacted,

(c) That the members of the Bar of the entire State be contacted by members of this Association and urged to join in getting the said Bill passed by Congress and approved by the President.

REPORT OF STUDY COMMITTEE (JR. AND SR. BAR)

Past

Last year this Meeting was told about House Bill No. 104 on adoption of children which was passed by the House of Representatives in 1954 but which was not reported out by the Senate Judiciary Committee. This year it is a pleasure to be able to report that the act, with only slight modification, was introduced as House Bill No. 36 before the Extraordinary Session of the Legislature in 1955 and was enacted by the Legislature and approved by the Governor.

Present

During the past year the Committee has reviewed the work of previous study committees which met with approval by the State Bar but which never received legislative approval; and from the bills heretofore approved we have selected those which are of most importance and recommend that the following be submitted to the next Legislature without change:

H. B. 106 (1954), entitled

"An act to amend Section 2735 of the Code of 1942, so as to clarify causes for divorce and to establish grounds and statutory procedure for the adjudication and annulment of marriages."

H. B. 110 (1954), entitled

"An act to amend Section 432 of the Code of 1942, under Chapter 2, Title 4, to authorize the appointment for citizens who are of unsound mind, without adjudication, under certain conditions."

An act amending Section 1389 of the Code of 1942 so as to provide an act that in sale or lease of lands or personal property authorized by the Chancery Court a report or confirmation shall not be necessary where all of the terms of sale are made certain by the decree or order authorizing the sale.

An act providing for the registration of all causes of action based upon any obligation or liability of a decedent within the six (6) months allowed for probation of claims.

An act amending Section 1264 of the Code of 1942, so as to provide that the Chancery Court shall be considered to act as a court of general equity jurisdiction in removing disabilities of minority.

An act amending Section 1296 of the Code of 1942 so as to allow the defendant to bring in new parties as cross-defendants within the discretion of the Court.

In addition thereto the following bills heretofore approved by the State Bar are again submitted for approval:

An act amending Section 1519 of the Code of 1942 so as to provide for the settlement of pleadings and entry of judgment in vacation.

An act amending Section 875 of the Code of 1942 so as to provide a limitation where the due date of an indebtedness does not appear of record.

An act providing that when any matter is lawfully set by the Chancellor in vacation for confirmation or decree, the Chancellor shall have the power to enter a decree

on any day within thirty (30) days thereafter, provided no contest has been filed in the meanwhile.

The new work undertaken by the Committee during the past year has been primarily centered around those procedural changes needed to expedite the administration of justice. The committee recommends that the following bills be approved by the Bar for submission to the next Legislature, believing that they make available to litigants the means to obtain speedy and equitable relief in the courts:

An act providing for the continued jurisdiction in civil matters of all courts, unaffected by the expiration of a term of court.

An act providing for the continued jurisdiction in criminal matters of all courts having criminal jurisdiction, unaffected by the expiration of a term of court.

An act to prescribe a uniform method of review in the determinations of administrative agencies.

An act amending Section 1708 of Mississippi Code Annotated, 1942, so as to make a deponent the witness of the party who introduces the deposition in evidence, rather than that of the party at whose instance the deposition is taken.

An act amending Section 1659, Mississippi Code of 1942, so as to include examination of objects within the scope of said section.

An act amending Section 1712, Mississippi Code Annotated, 1942, so as to make it applicable to all parties to a suit and to clarify time for answer.

An act amending Section 1876 of the Mississippi Code of 1942.

One additional bill is proposed by the Committee entitled:

"An act amending Section 2505, as amended, of the Mississippi Code Annotated, 1942, so that appointed counsel shall have at least ten days for preparation of defense in capital cases, and so that one of counsel shall have had at least five years' experience at the bar," and we recommend its approval by the Bar not only as a safeguard to the indigent prisoner but to the members of the Bar so appointed.

Future

The Committee has continued its study of the subject of trusts administration, but, because of the many problems presented, recommends that it be given further study by the next Study Committee.

The subject of receiverships was not dealt with by the Committee, but we recommend that it be retained on the agenda.

Again the Committee suggests that the subject of J. P. Courts be referred to the next Committee for further study. The task encountered in attempting a method of abolishing Justice of the Peace Courts is monumental. Possibly the best suggestion offered is to vest a concurrent jurisdiction in other courts and let them "simply fade away."

It is the opinion of the Committee that not only would the Study Committee be greatly strengthened but its prestige before the Legislature would be materially enhanced if the following were included as members of future Study Committees:

The Chief Justice of the Supreme Court

One Associate Justice of the Supreme Court

The Dean of the Ole Miss Law School

The Faculty Advisor of the *Mississippi Law Journal*

The Speaker of the House of Representatives

The President of the Senate

The Chairman of the House Judiciary Committee

The Chairman of the Senate Judiciary Committee

One might well expect to see a diminution of interest in the work of the Study Committee which has been going on so many years. The contrary is true. Production of ideas around a conference table continues unabated with continued zest for discussion. We do know better now what we want to do and how to do it. Therefore, we recommend that future Study Committees should always have among their number members who have had the benefit of past years experience.

REPORT OF COMMITTEE ON UNIFORM COMMERCIAL CODE

Since the official draft of the text and comment of the Uniform Commercial Code was promulgated and published in 1952, it has been enacted in the State of Pennsylvania early in January, 1955. An appropriation was made by the legislature in the State of New York, and the New York Law Revision Commission is studying the Code intensively, as are legislative committees in California, Connecticut, Massachusetts, Missouri, New Hampshire and many other industrial states. No less than three hundred law review articles have been written about the code to date; and after the bankers, insurance companies, railroads and others had offered amendments, suggestions and criticisms, a supplement containing amendments of the text in answer to criticisms, was published in January, 1955. This is a two hundred page volume in itself.

Until the New York Law Commissioners make their report, which will probably be in 1956, and other industrial states offer suggested amendments, the Commercial Code will not be in its final form. Your Committee is advised that the Code is operating in Pennsylvania with a maximum of satisfaction and a minimum of problems, and is proving to be a very practical commercial guide in business transactions. It is your Committee's recommendation that no action be taken on the Uniform Commercial Code in Mississippi in its present form, but that we wait until all amendments have been presented, discussed and the final draft enacted in other commercial states, such as New York, Illinois, and California, before it is brought to the further attention of our Legislature in Mississippi.

REPORT OF ESTATE PLANNING CONFERENCE (JR. BAR)

The Estate Planning Conference for 1955 was the Third Annual Conference to be held at the University of Mississippi and was sponsored by the School of Law, University of Mississippi; the School of Commerce and Business Administration, University of Mississippi; the Mississippi State Bar Association; the Mississippi Society of Certified Public Accountants; the Mississippi Bankers Association; the Mississippi Chapter, Chartered Life Underwriters; and the Mississippi State Association of Life Underwriters. The conference was held in the new Mississippi Center for Continua-

tion Study, which is a completely modern, air-conditioned, conference site, specifically designed for meetings of professional groups. Housing facilities were provided in the adjacent Alumni House of the University of Mississippi.

The program was under the direction of Professor William J. Bowe of Vanderbilt University of Nashville, Tennessee. The program content included the following topics: "Death Taxes and How to Avoid Them," "The Form of Gifts," "Property to be Given," "Testamentary Gifts and the Marital Deductions," and "Buy and Sell Agreements Funded with Life Insurance." Each discussion was followed by a question and answer period, and time was allocated for a panel discussion.

In the evening, five separate discussion groups were created. Discussion groups were as follows: (1) Pension and Profit Sharing Plans, (2) Valuation, (3) Getting the Most from Your Investment Dollar, (4) Short Term Trusts, and (5) Preparation of Tax Returns. The foregoing comprised the program for Friday, May 20th. On Saturday a general panel on Estate Planning was held.

Those on the conference faculty comprised the following:

Dr. Robert J. Farley, President, Mississippi State Bar Association, and Dean of the School of Law, University of Mississippi

Mr. William J. Bowe, Professor of Law, Vanderbilt University, Nashville, Tennessee

Mr. Lester G. Fant, Assistant Professor of Law, University of Mississippi

Mr. R. L. Hagaman, Jr., Vice President and Trust Officer, First National Bank, Jackson, Mississippi

Mr. M. M. Winkler, C. P. A., M. M. Winkler & Associates, Tupelo, Mississippi

Mr. Arthur A. Madden, C. L. U., Penn Mutual Life Insurance Co., Jackson, Mississippi

Mr. Jackson D. Doty, Assistant Professor of Law, University of Mississippi

Mr. Joseph Trachtman, Attorney-at-Law, Trachtman and Wolf, New York; Adjunct Professor of Law, New York University

Mr. W. C. Hester, C. L. U., Jackson, Mississippi

Dr. Clive F. Dunham, Dean of the School of Commerce and Business Administration, University of Mississippi

Mr. Noel L. Mills, Trust Officer, Deposit Guaranty Bank and Trust Co., Jackson, Mississippi

Mr. W. Calvin Wells, Jr., Attorney-at-Law, Wells, Thomas & Wells, Jackson, Mississippi

Mr. G. B. Demster, President, Trust Division, Mississippi Bankers Association, Citizens National Bank, Meridian, Mississippi

Mr. Ernest J. Barber, Trust Officer, Deposit Guaranty Bank and Trust Co., Jackson, Mississippi

Mr. T. E. Lott, C. P. A., Columbus, Mississippi

Mr. Richard M. Platt, Partner of Vance, Sanders and Company, Boston, Massachusetts

Mr. Ira Denton, Vice-President and Trust Officer, First National Bank, Memphis, Tennessee

Mr. Lee R. Spence, Senior Estate Tax Examiner, Office of the Director of Internal Revenue, Jackson, Mississippi

Mr. Charles W. Walker, President, Mississippi Society of Certified Public Accountants, Greenwood, Mississippi

There were 75 people in attendance at the conference. While the great majority of these people were from the State of Mississippi; Arkansas, Tennessee, Alabama, and Louisiana were well represented.

It is the practice of the University of Mississippi to send questionnaires to the persons who attended the conference in order that they may give their opinions as to the effectiveness of the conference. The questionnaire operates to give the University an opportunity to correct any deficiencies from year to year. The general consensus of opinion as reflected by unsigned questionnaires indicated that the conference was a superior one.

REPORT OF COMMITTEE ON JUDICIAL COUNCIL (JR. BAR)

This special committee was formed for the purpose of investigating the possibility and advisability of creating a Judicial Council in Mississippi. This is something entirely new in this State, and in order that this report may be understood, we should probably start by defining the function of a Judicial Council.

At least twenty-five of the several states now have Judicial Councils, and although the composition and organization of the Council varies from state to state, the function is largely the same. The function of a Judicial Council is to study and report on the administration of justice and to offer recommendations for improvement. It is a state agency usually created by constitution or by legislation, although in Louisiana it has been created by a special rule of the supreme court. Its powers do not go beyond advice and recommendation to the executive, the legislature and the courts. It serves also to inform the general public concerning these matters.

The administration of justice in Mississippi is big business. Nearly all of our courts, however, are created by the Constitution and are separate entities, reporting to no one, and subject to the supervision of no outside authority. Although our courts are engaged in big business, they are run on a basis which corresponds with so many corner grocery stores, insofar as efficiency and correlated effort are concerned. There is no correlation among the courts. The purpose of the Judicial Council is to remove this inefficiency and to provide correlation, and at the same time to avoid interference with the primary job of the courts in administering justice.

Since the Committee feels that anything is desirable which is designed to promote efficiency and to correlate the efforts of all state offices engaged in the administration of justice toward the common goal, the Committee is of the opinion that the Judicial Council, as such, is a worthwhile agency of government and that the State of Mississippi would profit by the work of a Judicial Council. We therefore recommend the creation of a Judicial Council in Mississippi.

We have already mentioned that at least twenty-five states presently have Judicial

Councils. In some states these Councils hardly function, and have accomplished nothing. In other states their recommendations have been widely accepted. A study of the Judicial Councils in the various states indicates that the success or failure of the Council depends upon whether it is given monetary support by the legislature.

Much of the work of the Council is dependent upon the collection of statistics and data which is only possible where there is a judicial administrator with a paid staff. In other words, as long as the job of collecting statistics is left to volunteers, the statistics are usually not collected. The Judicial Council cannot make recommendations to the legislature or to the courts or to the executive which are worth their salt unless it has facts to back up the recommendations. For this reason we believe that it would be useless to create a Judicial Council unless in the same act creating the Council provision was made for a full-time, paid, judicial administrator, having a staff of at least one secretary. We therefore recommend the creation of the job of judicial administrator to be appointed by the Chief Justice of the Supreme Court, who shall be authorized to employ at least one full-time secretary.

We know of no method for the creation of the Judicial Council and of the position of judicial administrator other than by legislative enactment. We therefore recommend that the Legislature be requested to enact appropriate legislation toward this end, providing sufficient funds to carry out the necessary work.

We further recommend that the Judicial Council be composed of the Chief Justice and one other member of the Supreme Court, nine Judges from the Circuit and Chancery Districts of the State and from the County Courts, seven practicing attorneys, and four members of the Legislature. We suggest that the Chief Justice select the Associate Justice to serve with him on the Council, and that he also be authorized to select the nine Chancellors, Circuit Judges and County Judges to serve on the Council. We recommend that the seven lawyers on the Council be appointed by the President of the State Bar Association, and that the four members of the Legislature be the Chairman of the Finance Committee of the Senate, the Chairman of the Joint Judiciary Committee of the Senate, the Chairman of the Appropriations Committee of the House, and the Chairman of the Joint Judicial Committee of the House.

We have already indicated the nature of the work of the Judicial Council and suggest that the Legislation creating the Council give the Council the authority to carry out this work.

We further suggest and recommend that the judicial administrator serve as administrative assistant to the Chief Justice of the Supreme Court, assisting him in administrative matters with which he is presently burdened.

Since this is a new program in the State, we have not attempted to draft or submit to this convention a model bill, but have simply attempted to outline our recommendations and suggestions, which could be readily fashioned into a bill for submission to the Legislature.

If the Junior Bar Section should approve and adopt this report, we further suggest and recommend that the next President of the Junior Bar Section be authorized and directed to appoint a special committee to prepare a bill containing the recommendations herein set forth, which bill shall first be discussed with the Chief Justice of the Supreme Court and the Council of Circuit Judges in order to obtain their approval, and which proposed bill shall then be brought to the attention of the 1956 session of the Legislature by the special committee.

REPORT ON LEGAL AID, INC. (JR. BAR)

Although we had discussed the subject on many occasions as long ago as the Chicago meeting of the American Bar last year, your Junior Bar President only recently requested that a study and recommendations be made for a program of legal aid on a state basis. The Committee gathered together a great deal of material and obtained opinions of a number of lawyers throughout the State, and wishes to make the following observations.

The first question is: Is there a need for a State Legal Aid Program in a state which is primarily made up of a rural population? There is little doubt that legal aid is most effective in areas of highly concentrated populations, where the people are faced with more complex and generally more pressing legal problems, and where a large number of the people do not know a lawyer personally. Where an indigent person knows a lawyer well enough to ask for his services, and where the lawyer is well enough acquainted with the individual to know that he is not able to pay for the services, there is generally no need for anything further. However, with the industrialization and the rapid population growth of many of our cities in this State, the need for organized legal aid is increasing. This is substantiated by information furnished us by numbers of community service organizations and by the many requests throughout the State and the United States for the Jackson Legal Aid Office to handle matters in the rural areas of Mississippi. Although we have been advised that several county bar associations have inaugurated legal aid programs in their respective counties, there are at this time no legal aid facilities on a state basis, and your Committee respectfully recommends that a program be instituted.

It is our belief that although the most enthusiastic support of a legal aid program will come from the members of the Junior Bar, a program of legal aid would have very little chance of success without the endorsement and cooperation of the Mississippi State Bar, and therefore we suggest that this be made a joint project of both Sections.

One of the keys to the successful legal aid program is to have a definite and easily accessible place where persons may apply for assistance. Therefore, it is our suggestion that some place or office be designated in every county of the State as the county legal aid office for the purposes of this program.

We recommend that a standing joint committee on legal aid be appointed for the purpose of encouraging and assisting in the establishment of county legal aid offices under the supervision of committees of the various county bar associations, and to supervise the reference of legal aid applications to the proper local office. We feel that each county bar association committee will be able to enlist the aid of many of its members for the legal aid program for services to a needy cause, when called on for such assistance. As much of the work as possible should be handled on a county basis, and the records kept locally. Even if the office consisted of nothing but a name plaque located in some public office, it would be better than nothing at all. However, where there is a genuine need for space, it is usually available either in the courthouse, a public welfare office, or, in some instances, would gladly be donated by a public spirited citizen.

The state joint committee should be entitled to the services of the office of our Secretary for its central location, permanence, and expediency, and for a uniformity of handling matters to be referred from one part of the State to another or from out of the State. Occasionally a matter arises in this State that should be referred to a legal aid office in another state, and there should be some central channeling point. The Legal Aid Office in Jackson has been handling most of this work thus far, but, without a state and county program, this has been inadequate.

It is suggested that the state joint committee encourage the county bar associations to organize legal aid offices in the larger cities along the lines of the Jackson office. We have made two previous annual reports to this convention setting out the establishment and progress of that office during the first year and a half of its operation. In the year that has transpired since the last report, this organization has been taken in as a community project, financed by the United Givers Fund. This has enabled the organization to employ a regular attorney on a half-time basis. The services rendered by the office have been tremendously increased as a result of this. We understand that there are other cities and counties in the State that have had similar success with their programs. The literature and material that has been gathered together by the Jackson office in organizing and managing a legal aid office, and the experience of the Jackson Legal Aid Society are available to those who are interested in undertaking such a program.

We have purposely kept this report free of statistics and platitudes. The problem is at once simple and complex. It is simple because poor people are an every day occurrence, and they occasionally need legal services as desperately as they need food, clothing or medical services. It is complex because our circumstances and facilities do not readily lend themselves to the established principles of legal aid organizations, and, of course, our program must be practical.

Our information indicates a definite need for a state legal aid program. We feel that the program suggested in this report is not too ambitious. We know that legal aid on an individual basis has been generously given by lawyers since the beginning of the profession, but organized legal aid is more desirable for two reasons. First, it is more efficient and effective, and offers to lawyers a greater opportunity to benefit society in a way which is peculiarly within their capabilities. Second, we lawyers, like other professional people, are in need of bettering our public relations. Individual legal aid offers very little along this line, whereas organized legal aid programs have proved to be one of the best public relations media available to the legal profession today. It is so because the public recognizes in legal aid the genuine purpose of the lawyer to benefit his community and to help his fellow man.

REPORT OF LEGAL ETHICS COMMITTEE (JR. BAR)

As reported in the mid-year report, the Committee on Ethics obtained the cooperation of the *Mississippi Lawyer* and said publication printed the Canons of Ethics in each issue. In addition thereto, the Committee canvassed each county, having contacted a member of the bar in each county, and is pleased to report that the ethics as they presently exist in the State are of the highest standards.

It is the recommendation of the Committee that the President of the Junior Bar Association, each year, address a letter of welcome to newly admitted members of the profession and enclose therewith a copy of the Canons of Ethics.

REPORT ON MISSISSIPPI LAW INSTITUTE (JR. BAR)

The Ninth Annual Law Institute, which is sponsored jointly by the Jackson Junior Bar Association and the University of Mississippi Law School, was held last December on the first week-end thereof. The first part of the Institute was divided into several panels: Estate Planning, Federal Rules and Practice, etc. The major part of the Institute was devoted to trial practices and procedures, settlements, and other phases of the trial of a law suit.

The Law Institute was very fortunate this year in having three outstanding, nationally recognized lawyers as guests. We had Governor Payne H. Radner, former Governor of Kansas, who, at the time of his address in Jackson, was President of the National Association of Compensation Attorneys, better known as NACCA. He, of course, spoke for the plaintiff's side. The defendant was represented by Mr. Alvin Christovich, an outstanding trial lawyer of New Orleans, Louisiana, who is a former President of Insurance Council of America. To round out that program we had Mr. Harry B. Booth of the law firm of Booth, Lockard, and Jack of Shreveport, Louisiana, who presented an excellent talk and discussion on Demonstrative Evidence.

I had the pleasure of being the Chairman of the Ninth Annual Law Institute. I had splendid cooperation from all members of the Committee, from the University of Mississippi Law School, and from the Faculty of the Law School, without which it would have been absolutely impossible for us to have put on the Institute.

In regard to the Tenth Annual Law Institute, which will be held at the Robert E. Lee Hotel in Jackson, Mississippi, on Friday and Saturday of the first week in December of this year, Mr. Paul Alexander is Chairman of the Institute Committee for this year, and is endeavoring to obtain excellent speakers for the program. The program is to be a Trial Practice Clinic. As you recall, some four years ago the Institute had a highly successful program in which Mr. Harold Frost and Mr. A. S. Gutler, both of New York City, conducted that discussion and clinic. It was a very successful meeting. Mr. Alexander has asked me to state to the Junior Bar Conference that Mr. Harold Frost will be back with us this year, and we are going to have a program similar to that which we had several years ago when he was on the panel. The Committee is endeavoring to obtain the services and participation of outstanding trial counsel for the plaintiff's side. Mr. Frost, of course, is a defendant's lawyer, and an outstanding trial lawyer for the railroads. Of course, when the program is complete you will be advised in the usual manner through the mail.

REPORT OF COMMITTEE ON PROCEDURAL RULES (JR. BAR)

Honorable Joshua M. Morse, III, President of the Junior Bar Section of the Mississippi State Bar Association, appointed the Code Study Committee for the Junior Bar Association, with special instructions to set up a subcommittee to be known as the Subcommittee on Court Rules of Practice and Procedure.

Your President advised this Subcommittee to investigate the rule-making power of the Supreme Court and inferior courts, especially in connection with Section 1961 of the Code of 1942, which provides that the Supreme Court

> "may prescribe the mode of pleading in causes therein, civil and criminal, and the manner of trying the same; and may also establish such rules of practice and proceedings therein as may be deemed necessary and proper for certainty and dispatch of business, and may dismiss causes for non-compliance with any of the rules; but such rules must be consistent with law."

Your President further instructed the Subcommittee to report, particularly, as to whether the Supreme Court had the power to prescribe rules for practice and procedure in the trial courts. Section 1664 of the Mississippi Code which provides that "each court . . . shall have the power . . . to establish, from time to time, rules and orders for conducting of suits and pleadings" was to be given special attention.

Your Subcommittee has made the requested investigation and finds that the majority of the members of the Mississippi Supreme Court did not feel that the Supreme Court should, at this time, attempt to make rules for the trial of cases in Mississippi Courts modeled on the Rules of Federal Procedure.

The individual members of the Mississippi Supreme Court who expressed views on this matter felt that, by long years of practice, the Legislature had assumed control of matters of this type, and that if rules similar to the Federal Rules of Procedure were to be used in the Mississippi Courts, it would be necessary for the Legislature to make provision for these rules.

The investigation of the Subcommittee led to consideration of two major principles of court administration which this Committee feels should be given careful consideration. These problems are as follows:

1. What changes should be made in regard to Rules of Practice and Procedure in the trial courts of the State of Mississippi?

2. What steps should be taken in regard to creating a more integrated system of judicial administration for the State of Mississippi?

It was noted that Judge Arthur T. Vanderbilt stated in his book entitled *Minimum Standards of Judicial Administration,* on page 137, under "Conflict between Court-made Rules and Statutory Rules," that in the State of Mississippi court rules would fail if statutory regulations differ. Judge Vanderbilt stated further, on pages 140-141 of his book, that the present mode of regulation of procedure is reported to be unsatisfactory in several states, among which was included the State of Mississippi. Also, he stated that in Mississippi all courts are regulated primarily by statute.

In line with the investigation undertaken by the Subcommittee referred to above, the President of the Mississippi State Junior Bar Association made arrangements for Mr. George Pugh, Administrator of the Louisiana Court System, to appear at a meeting of the Executive Committee of the State Junior Bar Association, held in October, 1954, at Oxford, Mississippi. Mr. Pugh reported on and discussed the operation of the Judicial Council in the State of Louisiana, how it was created, the composition of its membership, and how it functions. The discussion of the system of Judicial Administration in the State of Louisiana was very helpful to the members of the Executive Committee.

The Committee calls the attention of the Junior Bar Section to the fact that at the 1953 Convention a resolution was introduced and passed favoring a Constitutional Convention by members of the Junior Bar Section of the Mississippi State Bar Association. It is the opinion of this Committee that any action to improve the rules or the administration of the Courts of this State must be brought about by Legislative action or through a Constitutional Convention. The Committee recommends that all members of this Association who feel, individually, that the 1953 resolution in favor of the Constitutional Convention should be carried to a decisive conclusion, should exert all efforts possible to see that said Constitutional Convention becomes a reality.

The Committee further recommends that proper action be taken to draw up suggested laws to be submitted to the Legislature for the improvement of rules and of administration for the Courts of the State of Mississippi.

Your Committee strongly urges that this Subcommittee report of the Code Study Committee be given careful consideration by the new Code Study Committee to be

appointed immediately following this convention, and strongly urges that there can be no progress in projects of this type without continuity of action.

REPORT OF COMMITTEE ON PUBLIC RELATIONS (JR. BAR)

The Committee received in the report of the preceding Committee a recommendation that a booklet printed by the Mobile Bar Association, Mobile, Alabama, be studied and, if found appropriate, be revised and published by the Committee as a public service. The booklet has been published, and is entitled "Handbook for Trial Jurors." It has been submitted to the Circuit Judges of this State.

The Committee urges the adoption of this booklet and suggests that it be distributed through the Circuit Judges of this State. It is suggested that the expense involved be defrayed by each county as an expense of court. Your Committee believes that the distribution of this booklet will serve the purpose of creating a better relation between the public and the Bench and Bar.

REPORT OF COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW (JR. BAR)

The members of your Committee on Unauthorized Practice of Law attended the organizational meeting held in Jackson, Mississippi, and a meeting of the Executive Committee held at Oxford, Mississippi, on October 16, 1954.

The Committee had referred to it an instance of an out-of-state lawyer who by sworn bill in Chancery presented himself for admission to the Bar. He did not attempt to qualify himself through the Board of Bar Admissions. His actions were not brought to the attention of the Unauthorized Practice of Law Committee until he had obtained a decree of the Chancery Court. Copies of the proceedings were made and forwarded to the Secretary of the Mississippi Bar Association, and your Committee is informed that the Board of Bar Admissions turned the matter over to the Complaint Commissioner for the Senior Bar.

The co-chairman of the Unauthorized Practice of Law Committee discussed the matter with the Chancellor so admitting the subject and suggested to him that since the decree was void on its face it could be stricken from the records on his own motion. The Chancellor entertained that opinion, but concluded that any action vacating the decree should be initiated through the Bar Association. Your Committee recommends that the Senior Bar or the incoming Complaint Commissioner be memorialized to institute the necessary proceeding or that by suitable resolution the Senior Bar authorize the Junior Bar to take the necessary action.

At all meetings of the Executive Committee the Unauthorized Practice of Law Committee has asked that any violations of the law pertaining to the practice of law be referred to the Committee, but the above mentioned case was the only one brought to the Committee's attention.

APPENDIX B

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MISSISSIPPI STATE BAR

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L. G. Spivey
J. Collins Wohner

CARROLLTON

Maurice R. Black

NORTH CARROLLTON

J. C. Neill
W. C. Neill
Peoples Bank & Trust Co.

CARTHAGE

Joe Paschal Barnett
O. H. Barnett, Jr.
Tom J. Barnett
Harold W. Davidson
Earl Leroy Grimes
J. O. Hollis
Miss Bonnie Mills
J. H. Sasser
Drawer 31
J. E. Smith
Box 202
A. M. Warwick
Marvin T. Wooten
Alvin Roy Wright, Jr.
Box 387

CENTREVILLE

James W. Leake
Box 9507

CHARLESTON

James A. Blount
J. H. Caldwell, Jr.
Drawer 112
George P. Cossar

CLARKSDALE

Wm. Harold Beck, Jr.
Box 306
Alvin Binder
732 West Second
E. Cage Brewer, Jr.
Box 306
Ed C. Brewer
Box 306
V. J. Brocato
Box 509
Rodney Brooks
Coahoma Co. Bank Bldg.
Virgil W. Burgess
144 Yazoo St.
John W. Crisler
319-20 McWilliams Bldg.
Chester Harris Curtis
Box 368
Albert Dickens, Jr.
Box 797
Pascal D. Holcomb
Box 368
Joe W. Hopkins
Box 382
Judge R. H. Kirby
Stovall Lowery
Coahoma Co. Bank Bldg.
Semmes Luckett
121 Yazoo Avenue
William O. Luckett
Box 306
Fletcher F. Maynard
Drawer 480
G. F. Maynard, Jr.
Drawer 480
William H. Maynard
Drawer 480
Leighton S. Miller
Box 715
T. H. Pearson
330 Oakhurst
Leon L. Porter, Jr.
Box 339
Jack L. Ritter
Box 368
J. Lake Roberson
121 Yazoo Ave.
Shed Hill Roberson
121 Yazoo Ave.
Harvey T. Ross
Box 339
Tom T. Ross
Box 339
Glover A. Russell
Box 366
Lester M. Sack
Box 626
Abe Sherman
421-22 McWilliams Bldg.
Charles L. Sullivan
Box 371
J. M. Talbot
McWilliams Bldg.
E. F. Whittington
Box 181
Howard G. Woodward
Box 876
E. M. Yerger
201 McWilliams Bldg.

CLEVELAND

W. B. Alexander
Alexander-Feduccia Bldg.
112 N. Pearman Ave.
William B. Alexander, Jr.
Alexander-Feduccia Bldg.
112 N. Pearman Ave.
Sidney F. Beck
Robinson Bldg.
William H. Bizzell
Drawer 1031
H. F. Causey
Ancil L. Cox, Jr.
C. J. Craggs
C. H. Crump
Joseph C. Feduccia
Alexander-Feduccia Bldg.
112 N. Pearman Ave.
Judge Ed H. Green
Circuit Court
Lonnie E. Griffith
Box 552
Robert Milton Hytken
Box 367
Judge Robert E. Jackson
Chancellor
R. E. Jackson, Jr.
Charles C. Jacobs, Jr.
W. D. Jones
220 Pearson Ave.
Alfred A. Livingston
Drawer 1031
Ben Ferrell Mitchel
Somerville Bldg.
Wm. E. O'Hare
Box 630
W. W. Simmons
Albert Benjamin Smith, Jr.
Owen Bldg.
John T. Smith
Box 630
Abe D. Somerville
Box 387
A. B. Sparkman
Carmon E. Valentine
127 South Court St.
John White Valentine
127 South Court St.
Frank O. Wynne, Jr.

CLINTON

Gladstone E. Williams
Box 176

COFFEEVILLE

J. P. Stone
W. I. Stone

COLLINS

E. L. Dent
W. W. Dent
J. D. Kervin, Jr.
John K. Keyes
Hugh McIntosh, Jr.
J. Martin Mooney
Miss Bonnie Smith

COLUMBIA

Vernon H. Broom
Rankin Bldg.
Walter Earl Bullock
Bernard Callender
310-312 Newsom Bldg.
C. E. Conner
James Seaborn Dale, Jr.
Watts Bldg.
Box 603
R. H. Dale
Box 623
Judge Sebe Dale
Circuit Court
Maurice Dantin
711 Church St.
James R. Davis
Box 129
Ernest R. Duff
216 Newsom Bldg.
Roy J. Goss
210-11 Newsom Bldg.
Toxey Hall
310-312 Newsom Bldg.
Kelly J. Hammond
Box 569
Michael H. Lawless
Newsom Bldg.
Henry Mounger
Suite 216, Newsom Bldg.
Henry E. Pope
Box 569
Ben Mounger Rawls
H. C. Rawls
H. Phillip Singley
309 Newsom Bldg.

COLUMBUS

William Ellis Bearden, Jr.
518½ 2nd Ave., N.
William G. Burgin, Jr.
516 2nd Ave., N.
H. T. Carter
522 2nd Ave., N.
John F. Frierson
Box 744

Charles L. Garnett
Box 1001
Hunter M. Gholson
516 2nd Ave., N.
John H. Holloman
512 2nd Ave., N.
W. H. Jolly
514 2nd Ave., N.
Roger C. Landrum
Box 304
T. W. Lewis, Jr.
Box 152
George L. Lucas
519 2nd Ave., N.
Ben Owen
508-10 2nd Ave., N.
J. O. Sams
514 2nd Ave., N.
John F. S. Sims
1124 N. 11th St.
W. L. Sims
1124 N. 11th St.
Douglas Clyde Stone
Commercial Dispatch
Bldg.
R. C. Stovall
Box 591
W. J. Threadgill
512 2nd Ave., N.
Henry K. Van Every
518½ 2nd Ave., N.
Box 1032
Robin Weaver
Box 253

CORINTH

W. C. Adams
Fernand D. Brackstone
Box 646
David K. Galtney
1503 Fillmore St.
H. A. Hopper
Frank K. Hughes
715 Foote St.
Ely B. Mitchell
Joe B. Mitchell
Rubel Lex Phillips
Box 906
James E. Price, Jr.
Box 866
H. M. Ray
Box 907
Wm. L. Sharp
Box 844
Robert L. Shirley
1403 Magnolia Rd.
Orma R. Smith
Nat'l Bank of
Commerce Bldg.
Carey Stovall
201 Chambers-Liddon
Bldg.
N. S. Sweat
N. S. Sweat, Jr.
W. C. Sweat
W. C. Sweat, Jr.
B. F. Worsham
Box 146

CRAWFORD

Brown C. Hairston

CRYSTAL SPRINGS

Willie M. Broome
Wm. D. Carmichael
Laurin W. Ware
Box 246

DECATUR

R. H. Day
Benton R. Gordon
William H. Johnson, Jr.
Box 55

DEKALB

J. H. Daws
J. T. McCully
Box 1456
Miss Helen J. McDade
Box 1562
Louie P. Spinks
Box 1476

DREW

O. M. Marsalis
Julian David Orlansky
Pascal J. Townsend, Jr.
Merchants & Planters
Bk. Bldg.

DURANT

Carl F. Drake
Calvin R. King
Box 91
S. R. King
James A. White

EDWARDS

John M. Kendrick

ELLISVILLE

Glender Dennis
L. K. Saul
Courthouse

ENTERPRISE

William M. Estes

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J. E. Eudy
W. D. Gary
J. R. Griffin
Walter B. Meek
Judge R. P. Sugg
Chancellor

FAYETTE

Harry L. Corban
R. L. Corban, Jr.

FOREST

T. Marx Huff
Drawer 179
Wm. A. Huff
Drawer 179
Osborn Guyton Idom
James Walter Lee
Box 115
Roy Noble Lee
Howard B. McCrory, Jr.
F. F. Mize
Palace Theatre Bldg.
R. L. Nichols
Roby L. Stegall
Wm. Carl Thompson
O. B. Triplett, Jr.
Box 247

FULTON

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William Herman Camp
A. T. Cleveland
W. L. Elledge
Percy A. Martin
Box 91
Royce L. White

GATTMAN

Ralph E. Pogue

GLOSTER

James G. Anders
Fred A. Anderson
Louis G. Baine, Jr.
Walker Jean Carney, Jr.
J. T. Lowrey
Amite Co. Bank Bldg.
Joe Upton
Gwyn Dale Whittington

GREENVILLE

Roy A. Bennett
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Edward J. Bogen
Weinberg Bldg.
Roy D. Campbell
203 Weinberg Bldg.
Albert F. Cioffi
Box 127
Geo. L. Cottingham, Jr.
Greenville Buick-Pontiac
Co., Box 655
Fountain D. Dawson
Leyser Bldg.
Box 2951
Howard Dyer, Jr.
326 Weinberg Bldg.
Kenneth F. Edwards
Weinberg Bldg.
Box 216

H. P. Farish
Weinberg Bldg.
Drawer 663
Holland O. Felts
Box 298
Joe Ivy Gillespie
429 Weinberg Bldg.
Jerome S. Hafter
429 Weinberg Bldg.
James Robert Harland, Jr.
203 Woolworth Bldg.
Emmet Harty
205-08 Weinberg Bldg.
William C. Keady
203 Weinberg Bldg.
Ernest Kellner
Weinberg Bldg.
Ernest Kellner, Jr.
Weinberg Bldg.
Raymond V. Kimble, Jr.
205-08 Weinberg Bldg.
J. A. Lake, Jr.
429-432 Weinberg Bldg.
Robert Hart Lake, Jr.
124 S. Poplar St.
Joseph W. Lloyd
307 Weinberg Bldg.
Robert T. Love
Drawer 650
Joseph B. Mackey
Box 127
Philip Mansour
Woolworth Bldg.
W. M. McGough
Weinberg Bldg.
W. L. McIlwain
Box 558
Hainon A. Miller
211-12 Weinberg Bldg.
S. Ira Pittman, Jr.
401 Weinberg Bldg.
Judge Zelma Price
114 N. Shelby St.
Tony Paul Provenza
517 Walthall St.
Eugene J. Raphael
Weinberg Bldg.
Box 314
James Robertshaw
Weinberg Bldg.
Box 24
Geo. Ramsey Russell
Weinberg Bldg.
Capt. Geo. J. Schweizer, Jr.
851 McAllister Ave.
Laurance J. Sievers
418 Weinberg Bldg.
Earl Solomon
Weinberg Bldg.
E. B. Taylor
Leyser Bldg.
Box 528
Judge S. B. Thomas
Chancellor
W. S. Thompson
Weinberg Bldg.
Chas. S. Tindall, Jr.
429 Weinberg Bldg.
Charles W. Wade
Leyser Bldg.
John C. Webb
211 Weinberg Bldg.
Burwell B. Wilkes
416 Weinberg Bldg.
Joseph E. Wroten
Box 2765
William T. Wynn
429 Weinberg Bldg.

GREENWOOD

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A. H. Bell
Drawer 657
Wm. H. Braden, Jr.
903 Grand Blvd.
Norman C. Brewer
210 West Market St.
Arthur Bruce
Box 442
J. G. Colson
Wm. Lamar Colson
1103 Strong Ave.
Ignatius A. Fafinski
210 W. President, Apt. 7
John J. Fraiser, Jr.
Courthouse
W. M. Hamner
Old Bank of
LeFlore Bldg.
Willie J. Heckler
1107 Mississippi Ave.
Means Johnston
Whittington Bldg.
Judge Arthur Jordan
Circuit Court
O. L. Kimbrough
Box 516
Hardy Lott
Whittington Bldg.
R. Cunliffe McBee
Drawer 657
George Hite McLean
Box 516
Miss Pearl McLellan
1300 Strong Ave.
Gerald J. Montgomery
Paul D. Montjoy
Box 674
W. H. Montjoy
Box 906
Yerger Morehead
Frank K. Odom
Box 674
H. Talbot Odom
Box 674
Porter Peteet
James M. Pierce
c/o Staple Cotton
Discount Corp.
W. Market St.
M. F. Pierce
Wright Bldg.
James C. Pittman, Jr.
Odom & Odom
Judge Charles Pollard
Old Bank of
LeFlore Bldg.
Gordon L. Smith
Box 906
D. G. Soper
Box 622
Alfred Stoner
Nelson E. Taylor
Drawer 865
D. Seth Wheatley, Jr.
115 Howard St.
William M. Whittington
W. M. Whittington, Jr.
Box 941
Fred Witty
Box 912

GRENADA

Thomas A. Bell
Heath Bldg.
Box 901
A. M. Carothers
Grenada Bank Bldg.
Bradford Dye
Box 917
Wm. H. Fedric
Grenada Bank Bldg.
Jay Gore, Jr.
Heath Bldg.
Box 901
F. C. Horton
1st St.
John Toliver Keeton
William A. Lomax
Grenada Bank Bldg.
Mitchell M. Lundy
17 Evans Bldg.
Marshall Perry
Evans Bldg.
Leon E. Provine
414 South Main St.
William O. Semmes
Box 240
William F. Winter
Star Rt. 1

GULFPORT

Bidwell Adam
310 Hewes Bldg.
E. J. Adam, Jr.
300 Hewes Bldg.
Robert B. Adam
310 Hewes Bldg.
Frank W. Alexander
Box 178

George W. Allen
Brandon Insurance Agency, Inc.
Jo Drake Arrington
411 Hewes Bldg.
Harold Robt. Barber, Jr.
Box 1023
Reece O. Bickerstaff
Salloum Bldg.
Ray Bryant
Suite 5, Salloum Bldg.
R. R. Buntin
504 Hewes Bldg.
Everett E. Cook
24th Ave.
Box 135
Bruce G. Cornell
506 Hewes Bldg.
David Cottrell, Jr.
Hatten Bldg.
Aubert C. Dunn
5th Flr., Hewes Bldg.
James Samuel Eaton
Hatten Bldg.
G. E. Estes, Jr.
1410½ 25th Ave.
William Estopinal
Medical Bldg.
Jason H. Floyd
Hatten Bldg.
Box 142
E. J. Ford, Jr.
201 Hatten Bldg.
Chas. R. Galloway
304 Hewes Bldg.
John M. Gardner
205-07 Northrop Bldg.
D. M. Graham
Medical Bldg.
D. M. Graham, Jr.
Medical Bldg.
P. D. Greaves
408-10 Hewes Bldg.
P. C. Griffin
Box 153
Buchanan Heiss
1625 - 19th Avenue
Gaston H. Hewes
Hewes Bldg.
William G. Hewes
Hewes Bldg.
Box 454
A. C. Hutto
Box 312
Charles E. Kennedy
300 Fisher Bldg.
Eaton A. Lang, Jr.
Box 759
Edw. M. Lindsey
Hewes Bldg.
Box 323
English Lindsey
Hewes Bldg.
Ewart G. Lindsey
Judge Luther W. Maples
26th Ave.
Ernest G. Martin, Jr.
Box 985
R. B. Meadows
Hewes Bldg.
Judge Sidney C. Mize
Federal Court
Webb Mize
404-07 Hewes Bldg.
George E. Morse
Hatten Bldg.
Mrs. Nancy Wood Morse
Hatten Bldg.
Stanford E. Morse
Hatten Bldg.
Stanford E. Morse, Jr.
Hatten Bldg.
Arthur G. Murphrey, Jr.
Box 285
George F. Murrell
Hewes Bldg.
Harvey G. O'Conor
507 Hewes Bldg.
William R. Owings
Box 711
Owen T. Palmer, Jr.
2209 - 14th St.
Thomas N. Roberts, Jr.
Box 580
J. C. Ross
308-09 Hewes Bldg.
Box 178
Judge D. M. Russell, Sr.
Chancellor
Russell A. Schoneberg
Great Southern Country Club
Box 872
Donald O. Simmons
Box 575
J. U. Simmons
Box 575
J. U. Simmons, Jr.
Box 575
Upton Sisson
Box 456
George R. Smith
Legion Bldg.
George R. Smith, Jr.
Legion Bldg.
Hollis Calvin Thompson, Jr.
1136 Second
Robert W. Thompson, Jr.
400-08 Hewes Bldg.
Francis McRae Turner, Jr.
Office of General Manager
Miss. Power Co.
Harry G. Walker
2801 - 25th Ave.
R. A. Wallace
408 Hewes Bldg.
Douglas Knox White
Abstract Bldg.
Neil W. White
Box 144
T. J. White
Box 373
W. H. White
Abstract Bldg.
Mrs. Marguerite L. Williams
1805 19th Ave.

HATTIESBURG

J. S. Albritton
Geiger Bldg.
Cephus Anderson
Box 343
Lawrence Arrington
Box 1292
R. E. Arrington
Box 1292
Bruce C. Aultman
411 Carter Bldg.
B. H. Baker
Box 801
Stone Deavours Barefield
Citizens Bank Bldg.
Jefferson C. Bell
210 Carter Bldg.
Box 24
Carl E. Berry, Jr.
208-10 Michael Bldg.
106 W. Front St.
M. D. Brett
Citizens Bank
Irvin H. Buchalter
Box 506
Frank Wilson Buckley
Dept. of Journalism
Miss. Southern College
J. M. Byrd
Carter Bldg.
Thomas P. Caldwell
Box 1368
Robt. L. Calhoun
Box 461
Lester Clark
Magnolia State Building
Thurman L. Clark
Drawer 482
Dudley W. Conner
Conner Bldg.
Harold B. Cubley
Box 969
E. J. Currie
Ross Bldg.
George G. Currie
Box 626
George W. Currie
Box 626
Overton A. Currie
119½ W. Front St.
Box 1
George C. Curry
Box 1209
Daniel W. Dabbs
Box 468

T. Price Dale
Geiger Bldg.
T. W. Davis, Jr.
Box 529
James Finch
Citizens Bank Bldg.
E. C. Fishel
316 Ross Bldg.
Lawrence Y. Foote
First Nat'l Bank Bldg.
Davis T. Fortenberry
411 Carter Bldg.
Evelyn Gandy
Box 526
Herbert R. Ginsberg
130½ E. Pine St.
Reginald A. Gray, Jr.
507-10 Carter Bldg.
John S. Grove
Box 1024
Wallace R. Gunn
300 Forrest St.
Box 1174
Stanton A. Hall
617 Main St.
William Haralson
Box 132
F. C. Hathorn, Jr.
Box 865
Rowland W. Heidelberg, Jr.
501-03 Citizens Bank Bldg.
Paul B. Johnson, Jr.
130½ E. Pine St.
S. B. T. Jones, Jr.
Magnolia State Bldg.
W. Arlington Jones
Suite 401-03 Carter Bldg.
A. D. Katz
Box 27
A. F. Kelly
Geiger Bldg.
Karl W. Kepper
Emporium Bldg.
112½ E. Pine St.
Mrs. Marie P. Kepper
Emporium Bldg.
112½ E. Pine St.
Joe R. King
304-05 Citizens Bank Bldg.
Box 227
Alvin N. London
Frank D. Montague, Jr.
507-510 Carter Bldg.
Alfred Moore
111½ E. Front St.
Box 95
C. M. Morgan, Jr.
Box 1333
Forrest M. Morris, Jr.
215 E. Front St.
Wm. H. Morrow
Box 567
Miss Lafare Murphy
401-03 Carter Bldg.
William V. Murry
204 Conner Bldg.
Thomas D. Ott
c/o Smith & Ott
3rd Flr., Citizens
Bank Bldg.
Claude F. Pittman
Box 227
Homer Pittman
Box 227
Moran M. Pope, Jr.
Box 1463
M. M. Roberts
Citizens Bank Bldg.
Cecil A. Rogers
300 Forrest St.
Phillip Rolls
Box 1343
W. L. Shappley
Box 6
James Simrall, Jr.
411 Carter Bldg.
Judge Luther A. Smith
Chancellor
Ben Stevens
316 Forrest St.
Box 1381
Joseph Harvey Stevens
Box 1381
Jack Stewart
Box 801
Jack E. Stuart
Box 1448
C. W. Sullivan
Carter Bldg.
R. M. Sullivan
Box 648
T. Harris Sullivan
Ross Bldg.
Dan Gary Sutherland
617 Main St.
Joe Avery Thompson
Humble Oil & Rfg. Co.
Box 1368
J. Kearney Travis
Citizens Bank Bldg.
Drawer 590
Carl W. Welborn
Ross Bldg.
T. J. Wills
Ross Bldg.
Earle L. Wingo
Citizens Bank Bldg.
Francis T. Zachary
112½ E. Pine St.
Box 24

HAZLEHURST

S. E. Allen, Jr.
Merchants & Planters
Bank Bldg.
John T. Armstrong
Bank of Hazlehurst Bldg.
Mrs. Ethel R. Arrington
Box 5
R. O. Arrington, Jr.
Box 5
Donald C. Cooley
Box 388
Judge J. F. Guynes
Chancellor
Harris Brand Henley
Box 509
W. S. Henley
Box 509
Harry O. Hoffman, Jr.
Bank of Hazlehurst Bldg.
Carroll Kemp
Wilson Bldg.
Benjamin King
Julius L. Lotterhos, Jr.
Box 509
Miss Lena C. Zama
Box 108

HERNANDO

P. H. Bowdre
Gerald W. Chatham
Boyce Lee Garner
F. C. Holmes, Jr.
H. Grady Johnston
R. F. B. Logan
Joel P. Walker
W. E. Wilroy
Box 5

HICKORY

W. M. Everett
Box 115
S. E. McGee

HOLLANDALE

Paul N. Nunnery
Box 333

HOLLY SPRINGS

Fred M. Bush, Jr.
Box 377
Wall Doxey, Jr.
Lester G. Fant, Jr.
Sidney L. Hurdle
First State Bk. Bldg.
George Rather
L. A. Smith, Jr.
First State Bank Bldg.
Fred E. Swaney
Van Dorn Ave.

HOUSTON

H. B. Abernethy
W. W. Brand
Box 128
A. E. Hawkins
E. L. Lamar
Houston State Bank Bldg.
C. H. McCraine, Jr.

INDIANOLA

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Richard McNeil Allen
Billy K. Chapman
125 Augusta St.
A. B. Clark
Box 229
Arthur B. Clark, Jr.
Box 229
Robert D. Cohn
Box 286
Forrest G. Cooper
Peoples Bank Bldg.
Howard Q. Davis
Aaron M. Edwards
236 Sunflower Ave.
F. Marion Featherstone
J. M. Forman
Jack E. Harper, Jr.
Peoples Bank Bldg.
Hugh H. Lumpkin
Gordon L. Lyon
J. H. Price
J. H. Price, Jr.
David M. Quinn, Jr.
Box 172
G. P. Ritchy
Stanny Sanders
Oscar B. Townsend

ITTA BENA

Cleveland Davis
Box 98
Elmer Louis Fondren, Jr.
Perry W. Morton
Box 82

IUKA

J. O. Clark
J. D. Finch
Harry M. Rhine
Cecil Lamar Sumners

JACKSON

Thomas Luther Adams
904 Euclid
Lee B. Agnew
417½ E. Capitol
Lee R. Aitchison
502 E. Pearl St.
Chalmers W. Alexander
Box 1461
H. Chalmers Alexander
Century Bldg.
James A. Alexander
Box 977
James A. Alexander, Jr.
Box 977
Julian P. Alexander, Jr.
Box 1367
Paul G. Alexander
1013 Dep. Gty. Bank Bldg.
William P. Alexander
Box 1284
Mrs. Cecile Cambre Alford
1336 Olive Street
Sam S. Allred
Box 651
Judge R. Olney Arrington
Asso. Justice, Supreme
Court, New Capitol
B. G. Austin
516 East Pearl St.
Ralph B. Avery
Plaza Bldg.
William A. Bacon
Box 15
Jos. A. Baker
1409 Poplar
Charles T. Barber
Box 157
J. S. Barbour
Box 1818
Henry E. Barksdale
300 Lamar Life Bldg.
James A. Barnett
414½ E. Capitol
Ross R. Barnett
414½ E. Capitol
John S. Beach
Box 663
Stephen L. Beach, Jr.
Box 663
Loyd Lamar Beacham, Jr.
822 Plaza Bldg.
John A. Bellan, Jr.
Box 3035
Walter Berry
c/o Cabell Electric Co.
Robert A. Biggs, Jr.
Box 1370
Louis S. Bills, Jr.
417½ E. Capitol
Box 586
Richard A. Billups, Jr.
520 N. President
Walter R. Bivins
235 Cooper Rd.
Wm. P. Black
425 Vardaman St.
E. L. Bond
321 Sewanee Drive
Grover L. Boone
Box 648
James A. Boone
Box 3035
West Jackson
Carl C. Bostic
414½ East Capitol
M. P. Bouslog
Box 2607
West Jackson Station
Francis S. Bowling
617-20 Barnett-Madden
Bldg.
R. H. Bowling
Barnett-Madden Bldg.
Box 78
Mack L. Boykin
Box 1231
Richard C. Bradley
2119 Alta Woods Blvd.
Mrs. Audrey W. Brand
508 East Capitol St.
S. M. Brand
508 East Capitol St.
J. R. Brannon
210 Century Bldg.
Thomas S. Bratton
503 First Fed. Svgs. &
Loan Bldg.
Henry Harvey Breazeale, Jr.
c/o U. S. F. & G.
1211 Plaza Bldg.
Dan E. Breland
408 Lamar Life Bldg.
Box 1945
Harmon W. Broom
418½ E. Pearl St.
Box 1275
Bruce Brown
716 Arbor Vista
Henry N. Brown, Jr.
240 Ridge Drive
James E. Brown
Lakeland Apts. 4-B
James T. Brown
First Nat'l Bank Bldg.
Box 330
H. Newell Bruner
Box 1699
Harry M. Bryan
524 East Capitol St.
Clifton E. Bryant
3553 West Capitol St.
Cary E. Bufkin
Box 1172
James D. Buford
Plaza Bldg.
Box 1172
Robert Burns
Box 330
Charles W. Busby
Barnett-Madden Bldg.
George H. Butler
Suite 900, Milner Bldg.
J. L. Byrd
1007-1010 Dep. Gty.
Bank Bldg.
Box 157
Jos. B. Cadwallader
Dist. Dr. Internal Revenue
Frank L. Calderala
508 E. Capitol St.
T. Eugene Caldwell
401 Barnett-Madden Bldg.
Box 1704
Edwin Calhoun
726 N. Jefferson St.

King Hayes Callicut
Box 1172
Robert C. Cannada
Suite 900, Milner Bldg.
Robert Taylor Carlisle
Box 3035
West Jackson
Charles A. Carter
715 Plaza Bldg.
Wm. O. Carter, Jr.
Box 157
Craig Castle, Jr.
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Bank Bldg.
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3929 Graves St.
Paul Chambers
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Box 157
Reynolds S. Cheney
801 Plaza Bldg.
Box 1666
W. M. Childress
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Neal W. Cirlot
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Box 158
G. C. Clark, Jr.
107 Electric Bldg.
H. M. Clark
308 First Federal Bldg.
William W. Clark
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Hanging Moss Rd.
Percy Clifton
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John A. Craig
736 Eagle Ave.
Rufus Creekmore
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New Capitol Bldg.
Alfred Nicols Crisler
617-20 Barnett-Madden
Bldg.
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311 Dep. Gty.
Bank Bldg.
Charles W. Crisler, Jr.
617-20 Barnett-Madden
Bldg.
Earl R. Cruthirds
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Francis Dukes
238 Lawrence Rd.
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P. H. Eager, Jr.
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310 Lamar Bldg.
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Threefoot Bldg.
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Chancellor
Charles D. Williams, Jr.
507 Campbell St.
Judge Louis J. Wise
County Court, Yazoo
County

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